1	STATE OF ILLINOIS )
2	) SS. COUNTY OF L A K E )
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4	IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS
5	IN RE: THE MARRIAGE OF )
6	STEVEN P. DICK,
7	Petitioner, )
8	) CASE NO. AND ) 08 D 0970
9	APRIL NEUMANN, A/K/A ) APRIL N. DICK, )
10	) Respondent. )
11	
12	The proceedings before
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14	THE HONORABLE JUDGE ELIZABETH ROCHFORD
15	February 27, 2017
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17	The proceedings before THE HONORABLE
18	JUDGE ELIZABETH ROCHFORD, taken before
19	Jaime S. Friel, CSR, RPR, on February 27,
20	2017, at the hour of 2:01 p.m. at 18 N.
21	County Street, Waukegan, Illinois.
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1	APPEARANCES:
2	MR. STEVEN P. DICK,
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4	appeared Pro Se;
5	MR. STEWART J. AUSLANDER, of the Law Offices
6	of Stewart J. Auslander, LLC 20 S. Clark Street, Suite 1830
7	Chicago, Illinois 60603 (312) 332-3558
8	appeared on behalf of Respondent;
9	
10	MR. MARC K. SCHWARTZ, of the Law Offices of Schwartz, Wolf & Bernstein, LLP
11	314 N. McHenry Road Buffalo Grove, Illinois 60089
12	(847) 459-4999 mschwartz@swbattorneys.com
13	appeared on behalf of the minor children.
14	
15	ALSO PRESENT:
16	April Neumann
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1 THE COURT: All right. Matter of 2. Steven Dick and April Neumann. afternoon. 4 MR. SCHWARTZ: Good afternoon, Judge. This is the matter of 5 THE COURT: 6 Steven P. Dick, Petitioner, and April Neumann, Respondent, 08 D 0970. I'm going 8 to ask the attorneys to identify themselves 9 for the record. 10 MR. AUSLANDER: Stewart Auslander of 11 the Law Offices of Stewart J. Auslander, 12 LLC, on behalf of the Respondent, April 13 Neumann, who is also present in open court. MR. SCHWARTZ: Marc Schwartz of 14 15 Schwartz, Wolf and Bernstein, LLP, serving 16 as guardian ad litem in this matter. 17 MR. DICK: Petitioner, Steven Dick. 18 Okay. Good afternoon, THE COURT: 19 These matters were continued for everyone. 2.0 hearing this afternoon on -- so I just want 2.1 to clarify what's actually set for hearing 2.2. today -- Respondent's Emergency Supplement 23 to Motion to Suspend Petitioner's Parenting 24 Time?

1	MR. AUSLANDER: Correct.
2	THE COURT: Petitioner's Response to
3	Emergency Supplement to Suspend
4	Petitioner's Parenting Time?
5	MR. AUSLANDER: Correct. And we filed
6	a reply today, which I gave to the clerk as
7	a courtesy copy to Your Honor; and I've
8	provided Mr. Dick with a copy of it as
9	well.
10	THE COURT: You've received that copy,
11	Mr. Dick?
12	MR. DICK: I have not looked at it. I
13	just received it minutes ago.
14	THE COURT: All right. And then I'm
15	a little out of sorts here because
16	apparently the courtesies have been going
17	to Judge Waites, and so I'm kind of
18	catching up. For some reason they were
19	being directed by Court Administration
20	through no fault of anyone's to Judge
21	Waites. So I'm just receiving them.
22	But so you're answering ready
23	for hearing on the motion, correct?
24	MR. AUSLANDER: We are.

1	THE COURT: Mr. Dick, you're answering
2	ready for hearing on the motion?
3	MR. DICK: No.
4	THE COURT: And why not?
5	MR. DICK: Because my motions occurred
6	before the supplement. I had I have
7	three emergency motions to discharge and
8	dismiss the GAL, to correct the court
9	order, and to comply with the parenting
10	agreement for communication with the
11	children. Those happened well before a
12	supplement happened.
13	THE COURT: Okay. So let's address any
14	emergency that's emergency motions.
15	MR. DICK: They were not deemed to be
16	emergencies.
17	THE COURT: Okay.
18	MR. AUSLANDER: All four of these
19	matters were presented the last time we
20	were in court. Judge Waites found them not
21	to be emergencies and set them all for
22	hearing today.
23	THE COURT: Okay.
24	MR. AUSLANDER: So we're prepared

we're prepared to address all of them 1 today. 3 THE COURT: Okay. MR. AUSLANDER: I don't know how to 4 5 interpret Mr. Dick's comment about 6 answering ready on our motion when he said no, if it's simply he wants to have his 8 argued first or if he's not intending to 9 address our motion today. 10 Okay. Mr. Dick, I'll ask THE COURT: 11 you to clarify your response. 12 MR. DICK: Well, it would be impossible 13 for the quardian ad litem to participate in 14 any further motions when there is, in fact, 15 a motion to discharge and dismiss the 16 quardian ad litem. How can we proceed with 17 any motion when that motion is... 18 Okay. All right. THE COURT: 19 So, Mr. Auslander, do you have 2.0 an objection to hearing that motion first? 21 MR. AUSLANDER: I don't. I actually 2.2. think it would be appropriate to hear it 23 first for the Court to proceed properly 24 after addressing that motion. I would hate

1	for Mr. Dick to argue that he didn't get to
2	argue his motion and you've ruled on
3	something that took into account
4	Mr. Schwartz's recommendations.
5	So we can address that motion
6	first and then proceed after you've decided
7	the merits of that motion.
8	THE COURT: Okay. So we're in
9	agreement. We're going to hear the
10	emergency motion, which was determined not
11	to be an emergency, but was set for hearing
12	today, to discharge and dismiss guardian ad
13	litem for extreme bias.
14	Okay. Mr. Dick, it's your
15	motion. Are you going to be testifying?
16	MR. DICK: Your Honor, I'm wondering
17	how you can be prepared when you don't even
18	have all the motions.
19	THE COURT: Oh, I do have them all.
20	MR. DICK: You have an emergency
21	motion, you have a response, and you have
22	an addendum?
23	THE COURT: Yes, I do.
24	MR. DICK: May I ask, has this Court

1	read all three?
2	THE COURT: Yes. I've reviewed these
3	documents, Mr. Dick.
4	MR. DICK: Well, I'm sorry, but just
5	minutes ago I was given the indication that
6	you didn't have all the documents.
7	THE COURT: No, I do have them all.
8	MR. DICK: Okay.
9	THE COURT: They had originally been
10	directed to Judge Waites because she had
11	heard these matters on the last court date,
12	and she had set them for hearing today.
13	But I have since received them all. What I
14	was uncertain about was the order of the
15	matters that were set for hearing this
16	afternoon, but I am certainly prepared to
17	proceed to hearing.
18	MR. DICK: Well, I'd like to proceed
19	with the hearing for the motion, which was
20	an original motion, to discharge and
21	dismiss the guardian ad litem.
22	THE COURT: And are you going to be
23	testifying or arguing the motion?
24	MR. DICK: Well, I peg your pardon?

1	I'm not certain I understand the definition
2	of
3	THE COURT: Okay. If you're going to
4	be offering testimony, then I'm going to
5	put you under oath. I'll ask you to raise
6	your right hand.
7	MR. DICK: Let's do it.
8	(Mr. Dick was sworn.)
9	THE COURT: All right. It's your
10	motion, Mr. Dick. Please proceed.
11	MR. DICK: Thank you. On February 1st
12	I filed with the Clerk of Court an
13	Emergency Motion to Discharge and Dismiss
14	the Guardian Ad Litem for Extreme Bias. In
15	that motion I listed several examples of
16	evidence of how the guardian ad litem, Marc
17	Schwartz, has been biased against me, the
18	Petitioner, while he has been biased for
19	the Respondent, April Neumann.
20	I'm not certain when the
21	opposing counsel and Miss Neumann filed
22	their response. I currently have a
23	response that is unstamped. So I don't
24	know when that was filed. I'm I have no

1 idea. MR. AUSLANDER: It was filed February 3 21st of this year. We did provide copies --4 5 MR. DICK: I was not given a courtesy 6 copy. MR. AUSLANDER: They were attached to an email that --8 9 MR. DICK: To continue, I filed an 10 addendum to my motion on February 23rd with 11 even --12 THE COURT: Okay. I'm going to ask you 13 to go ahead and argue your motion or 14 present any testimony in support of your 15 motion. 16 MR. DICK: I will. Thank you. 17 quardian ad litem, Marc Schwartz, was 18 reappointed to this case; and it is my 19 testimony that Marc Schwartz has failed 2.0 greatly in his responsibilities as the 2.1 quardian ad litem, the quardian for the 2.2. children, for many reasons. 23 Marc Schwartz is well aware that 24 there is mental illness involved in this

case and that this entire case is tainted with Marc Schwartz's involvement and lack of involvement. Marc Schwartz has purposely withheld significant information that has now hurt the children.

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If Your Honor has read the documents, there has been since January 3rd of this year police involvement and DCFS involvement only resulting from actions that have been taken in the Respondent's home. The Respondent and opposing counsel have accused me of wrongdoing. I am 15 miles away. The -- my opposing counsel and the Respondent are accusing me of being responsible for the Respondent's actions.

Now, Marc Schwartz, guardian ad litem, is well aware of all of this. He has been well aware of all of this for the last four or five years. He is well aware that Miss Neumann has falsely called 911 on me at least seven times.

MR. AUSLANDER: Objection, Judge.

Those issues are so historical in nature that they're not even relevant to what's

pending before the Court today. 1 2 THE COURT: Well, I will say this, we had previously -- there was previously a motion to discharge Mr. Schwartz as the 4 5 quardian ad litem. I'm certainly not going to consider anything that took place prior 6 to that last hearing, the date of which I 8 am not certain. I know it was in 2016. 9 MR. AUSLANDER: I believe it was in 10 April of last year. MR. DICK: I'll acknowledge that there 11 12 was a motion. 13 Well, there was a motion, THE COURT: 14 there was a hearing, there was a court --15 there were findings, and there was a ruling. So I'm not going to consider any 16 17 evidence that was prior to the date of that 18 last hearing in April of 2016. 19 MR. DICK: All right. I was giving a 2.0 little background information. I can 21 continue so that we can get on with the 2.2 hearings today. 23 Please do. THE COURT: 24 Thank you. Since the last MR. DICK:

1 motion against Marc Schwartz for being biased and biased actions the children have reported to me that none of what Mr. Schwartz indicated in a report to this 5 Court was accurate. 6 MR. AUSLANDER: Objection, hearsay. Well, the children can MR. DICK: 8 verify for that. 9 I'll give it --THE COURT: 10 MR. DICK: Marc Schwartz has never 11 favorably ruled or been in my favor while 12 he has always been in the Respondent's 13 favor. 14 I know that this Court has 15 unsolicited -- stated purposely that it 16 values Marc Schwartz as a quardian ad 17 litem. That may be in other cases, but not in this case. 18 19 Within -- and all I've asked is 2.0 that Mr. Schwartz simply withdraw from this 21 I have in my addendum dated February 2.2. 23rd submitted court transcripts, which 23 is -- which I have been advised is filed 24 with the clerk. Mr. Schwartz has

1 purposely -- And this will lead into our next motion. Mr. Schwartz has purposely deceived the Court and myself by falsely marking a court order, which this court 5 administration also proceeded with, in 6 regard to the 604.10(b) psychological Everything in that motion -evaluator. and I'm not prepared -- I'm not wanting to 8 9 discuss that motion specifically just yet. 10 However, everything in that -- this 11 transcript says that the purpose of the 12 604.10(b) psychological evaluator is for 13 the best interests of the children. 14 That was the understanding, and 15 never was it spoken that it was only going 16 to be to suspend the Petitioner's parenting 17 time. Never. It's in black and white right here in the court transcript. 18 19 However, Mr. Schwartz purposely marked that 2.0 it would only be to suspend the 21 Petitioner's parenting time. 2.2. I'm greatly offended with this. 23 How could Mr. Schwartz, my opposing counsel 24 and the Respondent herself and this court

administration -- how could anyone dream that I would pay possibly \$10,000 for the only effort to suspend my parenting time?

It's right here in black and white.

In fact, Your Honor, page 31, I

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In fact, Your Honor, page 31, I believe, the -- I'm reading. And this court administrator was the Court that day.

Line 9 --

THE COURT: I don't -- if you're reading from something, then you would need to identify it for the record.

MR. DICK: Okay. On page 31 from the court testimony of the court transcript of July 22nd, 2016, 1:30 in the afternoon, page 31, line 9, "The statute authorizes the Court to seek the advice of a professional in determining the best interest of the children, and I think it's evident to me that the appointment of a 604.10(b) evaluator in this case is absolutely necessary. It's not something that I come to without thoughtful consideration because there is significant expense that is associated with it."

1 Prior to that --2 THE COURT: What's your point in regard to Mr. Schwartz? MR. DICK: Mr. Schwartz incorrectly marked the court order that states that the 5 6 scope of the appointment is solely to determine whether or not the Petitioner's 8 parenting time is to be suspended, and 9 never were those words discussed that day. 10 It's in black and white Never, not once. 11 right here in the court transcript. 12 Mr. Schwartz is on this court --13 MR. AUSLANDER: Judge, I'm going to 14 make an objection for the record. I'11 15 argue it when I refute this, but I think 16 he's mischaracterizing what was spoken of 17 that day. 18 I've got the entire court MR. DICK: 19 transcript. 2.0 THE COURT: Excuse me. Your objection is noted for the record. 21 2.2 Okay. Go ahead. 23 MR. DICK: To read from the court 24 transcript of the same date, page 26,

line 13, "Mr. Schwartz: When we were last before you on the 28th, I gave a very detailed report on my meetings with the children, my failed meeting with Mr. Dick, my meeting with Miss Neumann. And I think that Mr. Dick" -- I'm sorry. "And I think what Mr. Dick fails to recognize is that a 604.10(b) evaluator not only evaluates the children, but evaluates the parties as well. And I would think that Mr. Dick would welcome the opportunity to have a professional evaluator -- professional evaluator with Miss Neumann considering the allegations that he continues to make. The 604.10(b) evaluator would also evaluate Mr. Dick." So it's really the family at a minimum, at least the last five years. To continue, words of equality are used within this transcript. not once -- and I'm going to object to what Mr. Auslander said recently. Never, not once, was it ever stated during the negotiation of appointing the 604.10(b) psychological evaluator -- was it ever

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1 discussed that it would be solely to suspend the Petitioner's parenting time. Upon my meeting with 4 Miss Neumann and Dr. Sol Rappaport in our 5 first gathering, Sol Rappaport 6 professionally pulled out the court order to which I was amazed to see that Marc 8 Schwartz had purposely marked that the only 9 purpose of his appointment was to determine 10 whether or not the Petitioner's parenting 11 time would be suspended. 12 I courteously wrote Mr. Schwartz 13 an email, which is also contained within my 14 addendum. I said, "Mr. Schwartz, would you 15 please correct the court order?" it right here in black and white. 16 17 Again, this is another motion 18 that we're discussing. 19 I'm just going to expedite THE COURT: 2.0 this a little bit. So the basis of your 21 request to have Mr. Schwartz removed is his 2.2 failure to prepare the order consistent 23 with the findings of the Court; is that 24 correct?

1 MR. DICK: That's one of them. 2 THE COURT: Okay. What's your second one? MR. DICK: 4 Thank you. I think we've covered that. 5 THE COURT: 6 I'm going to give you a chance to respond, but I just want to detail what 8 specifically the bases are. 9 What's next, Mr. Dick? 10 MR. DICK: Thank you. Well, Your 11 Honor, in my addendum I cite several rules 12 from the Illinois Rules of Professional 13 Conduct of 2010: Withholding information, 14 fairness to opposing party and counsel, 15 truthfulness and statements to others, 16 communication with person represented by 17 counsel. 18 Again, Mr. Neumann --19 Mr. Schwartz has done nothing positive for 2.0 the children. Since my last filing against 21 Mr. Schwartz citing his bias, the children 2.2 have suffered; and it's been out of my 23 control because it's in Miss Neumann's home 24 with extreme emotional and physical abuse.

1	Mr. Schwartz has been aware of it.
2	Mr. Schwartz is aware that Miss Neumann
3	even admitted in an anger management
4	assessment that she explodes with anger.
5	MR. AUSLANDER: Objection.
6	THE COURT: I'm going to sustain the
7	objection.
8	Go ahead. So violations of the
9	ethics rules, correct?
10	MR. DICK: Sure.
11	THE COURT: Okay. What else?
12	MR. DICK: Well, Your Honor, I can
13	as the Respondent has so eloquently said in
14	her motions I'm going to use the same
15	word I fear that when this is all said
16	and done with, the only recommendation that
17	Mr. Schwartz is going to do is again
18	suggest therapy for everybody.
19	Therapy last time was a complete
20	failure. There was no assessment.
21	Miss Neumann was not held to individual
22	therapy. Mr. Schwartz wrote the parties'
23	parenting agreement.
24	THE COURT: All right. So you're

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1	suggesting that a basis for his discharge
2	and removal would be anticipation of what
3	he may be recommending?
4	MR. DICK: Sure. Yeah. It's never
5	been favorable for me or the children. We
6	have suffered greatly.
7	THE COURT: All right.
8	MR. DICK: And, Your Honor, I have the
9	right to take this court transcript from
10	today and upon if Mr. Schwartz is
11	retained in this matter, I have the right
12	to continue to file complaints against him
13	with each and every biased action he takes.
14	THE COURT: All right. Thank you,
15	Mr. Dick.
16	Mr. Auslander, do you want to
17	respond?
18	MR. AUSLANDER: I do. First and
19	foremost, Judge, you haven't heard one bit
20	of factual evidence.
21	MR. DICK: Objection.
22	THE COURT: What's your objection,
23	Mr. Dick?
24	MR. DICK: The factual evidence is
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1 right here in the motion and the addendum. It's black-and-white court transcripts. There is evidence. THE COURT: I'm going to overrule the 4 5 objection. You've been --6 MR. DICK: Of course. THE COURT: -- given your opportunity 8 to present the evidence. 9 Go ahead, Mr. Auslander. 10 MR. AUSLANDER: You haven't heard one 11 bit of factual evidence to support any 12 claim of bias by Mr. Schwartz against 13 Mr. Dick. This is probably the third 14 motion he's filed in this regard. 15 prior ones have been denied. He's now 16 filed this one saying -- I guess there are 17 three areas in which he's complaining that 18 Mr. Schwartz improperly prepared the order 19 appointing Sol Rappaport in providing that 2.0 the scope was limited to the motion to 21 suspend his parenting time, that somehow 2.2. he's violated ethical rules that all of a 23 sudden pop up now for the first time in his 24 addendum.

There aren't facts to support what he claims he did or didn't do that would have been a violation of those rules. And I don't think any of these rules actually apply given that they detail what appears to be a duty of a lawyer to their client in one respect, how to deal with opposing counsel. I mean, it's highlighted falsified evidence. Mr. Schwartz hasn't provided any evidence. He's made recommendations to the Court. He's made a report to the Court.

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And then the third is that he's done nothing positive for the children.

The stuff Mr. Dick is complaining about -- at least that would be relevant to the time period that Your Honor would want to hear -- all occurred in the month of January. Mr. Schwartz was out of the country. He advised the Court of that the last time he was here. Obviously, you weren't hearing the matter and Judge Waites was, but Mr. Schwartz wasn't here to deal with the issues that Mr. Dick is

1	complaining went on in my client's house.
2	He's also not informing you that he's the
3	one who keeps calling the police or
4	contacting people to get DCFS involved.
5	MR. DICK: Objection. False.
6	Evidence? Where's the evidence?
7	MR. AUSLANDER: We'll get to that when
8	we get to my motion. If he wants, I can
9	supply it to him now, but I don't think
10	it's relevant for Mr. Schwartz
11	MR. DICK: There's no evidence.
12	MR. AUSLANDER: Okay. We'll get there.
13	MR. DICK: Sustained or overruled,
14	Judge?
15	THE COURT: Pardon me?
16	MR. DICK: I just objected.
17	THE COURT: Okay. I'll note your
18	objection is noted for the record.
19	MR. DICK: Thank you.
20	MR. AUSLANDER: Now, in terms of the
21	order that was drafted, there were two
22	court orders that were entered that day
23	that Dr. Rappaport was appointed; and what
24	Mr. Dick would like you to believe today

and what he's put in his motions is a 1 2 distortion of reality. He suggests somehow 3 that he agreed to this process. There was 4 no agreement. The transcript --5 MR. DICK: Objection. It's in the 6 court transcript. MR. AUSLANDER: Oh, you're right. 8 sorry. He did. He agreed after Your Honor 9 indicated you were going to appoint 10 someone, that he would agree to an 11 evaluator, but --12 MR. DICK: Judge, sustained or 13 overruled? 14 Okay. First of all, I can THE COURT: 15 take judicial notice of the hearing that we I was here. I can review the actual 16 17 record. My recollection is that there was 18 There was an objection to it. a hearing. 19 Ultimately, you did consent and agree to 2.0 the appointment of a 604.10. That's my 21 recollection, but I will review the court 2.2 record and confirm it. 23 MR. DICK: So I'm correct. 24 THE COURT: The record is what the

1 record is, and I will consider what the record is. MR. DICK: I'd like to know if my 4 objection right now is sustained or 5 overruled. 6 THE COURT: What is your objection? To him misleading the Court. MR. DICK: 8 His statement said I did not agree, and I 9 said it was in the court transcript. 10 he rescinded. 11 MR. AUSLANDER: No. I will get back to 12 all this; but the reality, Judge, is --13 MR. DICK: Your Honor, is my objection sustained or overruled? 14 15 THE COURT: Your objection is noted, Mr. Dick. 16 17 MR. DICK: Thank you. Thank you. 18 Your Honor, the court MR. AUSLANDER: 19 record will reflect that Mr. Dick objected 2.0 to the entire process of the 604.10(b). We 2.1 filed a motion. He objected. He filed a 2.2. response suggesting it was unnecessary. We 23 had a whole hearing about it. Only at the 24 end after Your Honor heard all of the

arguments did he make one statement where he finally says that he will agree to an evaluator, but not one that was suggested by Mr. Schwartz.

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Now, he also tries to suggest that this was solely about the best interests of the children. He conveniently ignores every time where I've pointed out in this hearing that we were asking the Court to appoint a 604.10(b) evaluator to assist in the resolution of our motion to suspend his parenting time. I did that on page 18. I did that on page 19. I did it on page 28, and I did it on page 30.

Now, in each one of those instances I've asked Your Honor in some form -- I'm not going to quote the transcript; you can review the transcript yourself -- but in substance was that you appoint someone to assist in addressing the motion we filed. That motion sought to suspend Mr. Dick's parenting time, and that is the scope of what the order was entered for Dr. Rappaport to make --

1	MR. DICK: Objection.
2	MR. AUSLANDER: a report on.
3	MR. DICK: Objection. It was not.
4	This Court never stated what Mr. Auslander
5	is trying to buffalo about.
6	MR. AUSLANDER: I'm not
7	MR. DICK: This is my objection. I am
8	objecting.
9	THE COURT: Okay.
10	MR. AUSLANDER: On what basis?
11	THE COURT: I'm fully aware that you're
12	objecting.
13	MR. DICK: If he wants to interrupt me
14	and if he wants to continue telling lies to
15	this Court, I'm not going to stand for it.
16	There's no way. Never did this Court
17	THE COURT: Mr. Dick.
18	MR. DICK: I'm sorry.
19	THE COURT: I will I'm going to
20	allow Mr. Auslander I'm going to
21	overrule your objection since you're very
22	eager for a ruling. The objection is
23	overruled. I'm going to allow
24	Mr. Auslander to continue with his

1 I will review the court record argument. before I make my ruling. Please continue. 3 MR. AUSLANDER: Now, that is one of the 4 other motions that is pending, but to 5 suggest that Mr. Schwartz improperly 6 prepared an order -- There was a second order that said the exact same thing about 8 the scope. Mr. Dick had an opportunity to 9 review both of those orders. Your Honor 10 reviewed them, and they were entered. 11 only six to eight months after those orders 12 are entered that he's now suggesting 13 somehow that something was done improperly. 14 What Mr. Dick does consistently 15 is find ways to delay resolution of this 16 matter. The last time we were here he 17 brought a motion for substitution of judge 18 for cause which went up to Judge Ortiz and 19 then came back down because it was 2.0 baseless. 21 MR. DICK: Objection. We're not 2.2. talking about this motion. 23 THE COURT: This is his argument, 24 Mr. Dick. Overruled.

1	MR. AUSLANDER: It was baseless, just
2	like all of the other motions, just like
3	the prior motions to discharge Mr. Schwartz
4	and this one itself. There is no evidence
5	of bias. What Mr. Dick wants to complain
6	about is that nobody agrees with him. He
7	feels he's not being heard, that since
8	orders aren't entered in his favor for what
9	he wants, everybody else is wrong. That
10	doesn't make Mr. Schwartz biased. It
11	doesn't mean he favors my client. He
12	doesn't even really he makes
13	recommendations to the Court as the
14	guardian ad litem. He's supposed to
15	investigate. Mr. Dick doesn't want to meet
16	with him. He limits
17	MR. DICK: Objection.
18	MR. AUSLANDER: his ability to meet
19	with him.
20	MR. DICK: Objection. Evidence.
21	MR. AUSLANDER: He's like
22	MR. DICK: I met with Mr. Schwartz.
23	Mr. Schwartz was rude to me. Then
24	Mr. Schwartz opened the door and asked me

1	to leave.
2	THE COURT: Okay. All right. I'll get
3	to that.
4	MR. DICK: Sustained or overruled, Your
5	Honor?
6	THE COURT: What is your objection?
7	MR. DICK: He's telling this Court and
8	on court transcripts falsehoods that are
9	not correct.
10	MR. AUSLANDER: I don't believe they're
11	falsehoods.
12	MR. DICK: Can I ask the court reporter
13	to read back the last sentence that
14	Mr. Schwartz that Mr. Auslander stated?
15	THE COURT: Okay. First of all, we
16	both can't talk at the same time.
17	MR. DICK: That's correct.
18	THE COURT: I will make a determination
19	of whether or not it's truthful or not
20	truthful. I'll note your objection for the
21	record.
22	MR. DICK: Thank you very much.
23	THE COURT: Go ahead, Mr. Auslander.
24	MR. AUSLANDER: Now, when it comes to

1	the children, the behavior of the children,
2	the behavior of my client, the behavior of
3	Mr. Dick, it's not something that
4	Mr. Schwartz can control. He's here to
5	investigate those matters and report to the
6	Court. These things don't happen because
7	Mr. Schwartz didn't do something in the
8	prior proceedings. We worked out a
9	complete parenting agreement that had
10	everybody involved in some form of therapy.
11	What Mr. Dick doesn't want to tell you is
12	he stopped going almost immediately to
13	MR. DICK: Objection.
14	MR. AUSLANDER: his individual
15	therapy.
16	MR. DICK: That's got nothing to do
17	with this matter, Your Honor.
18	MR. AUSLANDER: The children
19	THE COURT: Mr. Dick, I will note again
20	your objection for the record. This is
21	I'm going to hear from Mr. Auslander.
22	MR. DICK: Well, when he tells a
23	falsehood, I'm going to object for the
24	record.

1 THE COURT: Please continue, 2. Mr. Auslander. MR. AUSLANDER: Mr. Dick has raised 4 issues suggesting that he fears 5 Mr. Schwartz is just going to rely on 6 therapy as a resolution to this matter and that it didn't work the first time. 8 complained that my client wasn't in 9 individual therapy per the parenting 10 agreement. I believe -- I'm paraphrasing him, but I think that's what he was 11 12 complaining about. 13 Now, in that instance, we know 14 that Mr. Dick isn't going to his individual 15 therapy. We know the children aren't going to the family therapy. We filed a motion 16 because none of that was happening; and we 17 18 believe Mr. Dick, who is not supportive of 19 therapy, is behind the lack of actual 2.0 therapy going on. That's not 21 Mr. Schwartz's fault. That's not a reason 2.2. for him to be discharged. He's got to show 23 something that says Mr. Schwartz has 24 actually got a vendetta against him, that

he is doing things to deliberately and purposefully hinder Mr. Dick. He hasn't done one iota of that. There isn't any fact to support it; and every time Mr. Schwartz tries to do things, he just says he's lying. Sort of like it's fake It's ridiculous to think that; but, you know, we've got two very different views of how this case is being handled. I've seen -- from my experience with Mr. Schwartz, he's always been impartial. He may not always agree with Mr. Dick. He doesn't always agree with my client. But his role here is to be an independent individual making a report to the Court and making recommendations. Throughout the entire time he's been involved in this case he has been nothing but thorough, nothing but detailed, and nothing but direct in what he felt was necessary. If Mr. Dick doesn't like that,

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THE COURT: Mr. Schwartz, is there

that's one thing, but that's not a basis to

have him removed as the GAL.

1 anything that you would like to add? MR. SCHWARTZ: No, Your Honor. THE COURT: Okay. I'm going to ask you, as I asked you the last time we had 4 5 this hearing, in the event that the Court 6 were to determine that -- First of all, do you feel that you could continue to serve 8 as guardian ad litem in this case? 9 MR. SCHWARTZ: Absolutely. 10 THE COURT: And would you be willing to continue to serve if the Court were to 11 12 determine that it was appropriate that you 13 should continue? 14 Absolutely, Your Honor. MR. SCHWARTZ: 15 THE COURT: Thank you. 16 Okay. Mr. Dick, just briefly in 17 response to what Mr. Auslander presented in 18 regard to this motion. 19 Thank you, and I will. MR. DICK: 2.0 Honor, I have to wonder why Mr. Schwartz 21 wants to stay on this case. Mr. Schwartz 2.2 is aware that there is mental illness in 23 this case abound. 24 MR. AUSLANDER: Objection.

1 That's why there's so much MR. DICK: 2. suffering by almost everyone in this matter. Mr. Schwartz has incorrectly marked the court order. Mr. Auslander tried to argue that Mr. Schwartz is 5 6 impartial, and Mr. Auslander tried to inform this Court that per his motion -what he's asking for -- apparently, he's --8 9 he's now the judge in this case. What he 10 wants is in his motion. 11 However, Your Honor, I'm going 12 to stand on the transcript from July 13 22nd -- July 22nd, 2016. I'm going to rely 14 on that transcript. Never, not once, in 15 any of that discussion was the Court 16 discussing to suspend my parenting time. 17 Mr. Schwartz even tried to sway me and 18 convince me to finally agree to the 19 604.10(b) evaluator. Never, not once, was 2.0 there a suspension of Petitioner's 21 parenting time discussed, only by opposing 2.2 counsel and what was in his motion. 23 Your Honor, should Mr. Schwartz

be retained? I have no idea why. And I've

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got to wonder why -- what is his incentive for staying with this case? But I have to wonder, if Mr. Schwartz continues on this case, this Court is aware that I have rights to file further complaints against Mr. Schwartz in the court and out of court.

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THE COURT: Okay. All right. Well,
I'm going to begin there. First of all,
Mr. Dick, you have threatened each and
every court appearance to file complaints
against everyone involved in this case,
myself included, prior judges that have
been assigned to this case, against
Mr. Schwartz, against Mr. Auslander,
against therapists, against basically
anyone who has been involved in the case
and has not agreed with your position or
perspective.

Mr. Dick, you are free to do whatever you choose to do, but this Court will not be intimidated by your threats and will not take action based on the threats that you make to file complaints. I just want to make that perfectly clear to begin.

MR. DICK: Thank you.

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THE COURT: The court transcript from the hearing in regard to the appointment of a 604.10 does, in fact -- Mr. Auslander specifically discusses the motion to appoint a 604.10 evaluator to assist the Court in assessing the relief that they were requesting seeking the suspension of parenting time. The primary pleading that was pending at the time of the appointment of the 604.10 was related to the suspension of parenting time.

The Court had extensive -- I
mean, a full hearing on this issue.
Ultimately, Mr. Dick, you did, in fact,
concede and agree to have the appointment.
You were not in agreement with the
recommendation of Mr. Schwartz. I chose an
independent evaluator.

Although Mr. Schwartz, I
believe, assisted the Court in preparing a
proposed order, that proposed order was
presented to both Mr. Auslander and his
client and to you, Mr. Dick, for your

review; and then it was presented to the Court. And it was entered by the Court, not by Mr. Schwartz. It was a proposed order; and after my review, it was my finding that it was consistent with the findings of the Court and the intentions of the Court in terms of the appointment of the 604.10. The scope was appropriate. Ιt was consistent with the pending pleadings, and the primary focus of that was to be the Court's consideration of the suspension of your parenting time. So I'm going to make a finding that that is not a proper basis for Mr. Schwartz to be removed as the quardian ad litem.

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You have made some statements,
Mr. Dick, in regard to violations of
Mr. Schwartz about withholding information,
about his inability to be fair, his
inability to be truthful, his failure to
communicate, and that there have been -and that there -- you concluded that the
children have suffered. There were no
credible facts presented to this Court that

support any of those conclusions. Those are simply your conclusions. I make a finding that there have been -- that I'm aware of -- no violations of any code of conduct by Mr. Schwartz in his role as quardian ad litem in this case.

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Thirdly, the essence of your argument, as I understand it, is that Mr. Schwartz has been ineffective for the children and that you were anticipating I'm not what his recommendations might be. going to anticipate what his recommendations are going to be. I will note for the record that this has been an extraordinarily difficult case, very highly contentious. I am genuinely and deeply concerned about the Dick Family children, but there is nothing that this Court has been aware of or that's been brought to the Court's attention by credible evidence that indicates that Mr. Schwartz has been anything but fully attentive, fully committed, and done everything within his power to make appropriate -- do an

appropriate investigation and make 1 appropriate recommendations. 3 There's no question this is a challenging case, and certainly these 4 matters remain unresolved. But that's not 5 6 the fault of Mr. Schwartz, and it is not a proper basis for his removal. In conclusion, there is no 8 9 evidence of bias. There have been no facts 10 presented to support that conclusion. It's 11 this Court's finding that Mr. Schwartz 12 continues to be impartial. The Court 13 continues to have confidence in him as an 14 officer of this court and as the appointed 15 quardian ad litem. 16 Given his experience and the 17 high conflict nature of this case, the long 18 history in this case, his appointment 19 continues to be necessary. The motion to 2.0 have Mr. Schwartz removed as quardian ad litem is denied. 21 2.2. Before we start with the next 23 one, I just want to check on counsel.

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1	(After an interruption, the
2	proceedings resumed as follows:)
3	THE COURT: All right. So that's the
4	motion to discharge the guardian ad litem.
5	What's next?
6	MR. DICK: There's a motion to correct
7	the court order.
8	THE COURT: Okay. All right. So
9	you're talking about the in regard to
10	the scope of the appointment of the 604.10?
11	MR. DICK: Yes. This motion these
12	motions have information about Mr. Schwartz
13	and Mr. Auslander and this Court.
14	THE COURT: Okay. I'm going to give
15	you a brief opportunity to present this
16	motion, Mr. Dick.
17	MR. DICK: For the court record, on
18	February 1st I filed an Emergency Motion to
19	Correct the Court Order for the 604.10(b)
20	Due to Deceptive Actions of Current
21	Guardian Ad Litem. I have a response to
22	that motion from opposing counsel; however,
23	I don't have a stamped copy.
24	THE COURT: Okay. So do you have

1 something --2. MR. DICK: I'm going to assume it's 3 February ---- to add in addition to THE COURT: 5 what has already been presented in regard 6 to your motion to remove the guardian ad Because I have already made litem? 8 findings and made rulings that the order of 9 court that was entered was reviewed by both 10 parties -- was prepared by Mr. Schwartz, 11 reviewed by both parties, reviewed by the 12 Court, and signed many months ago. 13 MR. DICK: Yeah, 12 months ago, Your 14 Honor. As I just said about one minute 15 ago, my motion contains information about 16 Mr. Schwartz, Mr. Auslander, and this Court 17 that was not discussed --18 THE COURT: Mr. Dick, I'm going to tell 19 you one more time --2.0 MR. DICK: -- in the previous motion. 21 THE COURT: -- if you want to present 2.2 some evidence to this Court, then this is 23 your opportunity to do it. 24 MR. DICK: That's what I thought I was

1 doing. 2. THE COURT: Then please proceed. 3 MR. DICK: Thank you. As I -- I'm 4 going to start over. On February 1st I 5 filed my Emergency Motion to Correct Court 6 Order for 60.10(b)(sic) Due to Deceptive Actions of Current Guardian Ad Litem. 8 believe opposing counsel responded on 9 February 21st possibly. 10 MR. AUSLANDER: Correct. 11 MR. DICK: I filed on February 23rd an 12 addendum to the motion to correct the court 13 order. In my addendum it contains information -- And this is for the court 14 15 transcript. Okay. Mr. Dick, instead of 16 THE COURT: 17 referring to your pleadings, if there's 18 something you want to present to the Court, 19 you need to present it. This is your 2.0 opportunity. Then we're going to move on. 21 You're under oath. 2.2 MR. DICK: Yes. 23 THE COURT: So please proceed. 24 MR. DICK: In addition to the passage I

1 have read earlier where it specifically stated that the scope of the appointment was for the best interests of the children --MR. AUSLANDER: 5 Objection, 6 mischaracterizes what he actually read to the Court. The Court will take 8 THE COURT: 9 judicial notice of what was read into the 10 court record. MR. DICK: And in addition to what 11 12 Mr. Schwartz had stated, which I read in 13 the previous motion, this Court on page 31, 14 line 2 stated, "Okay. All right. 15 one thing is certain. I'm very genuinely 16 concerned about your children, and as with 17 most things -- I think it's especially true 18 in this case -- the problem is not 19 one dimensional. And I don't know that it 2.0 can be quickly or easily resolved." 21 Now, I'm just going to stick 2.2 right there. "Not one dimensional" meaning 23 it's at least two dimensional or more. 24 "But it certainly warrants the

1 Court's attention in every reasonable 2 possible way." The statute authorizes the Court to determine the best interests of the children. 4 5 And, again, the Court -- the 6 Court states in 20 lines of the transcript from July 22nd, 2016, never, not once, was 8 it for the purposes of suspending the 9 Petitioner's parenting time. It only 10 discusses the best interests of the children. 11 12 Then this Court on page 34, 13 line 14, "Back on the record." 14 This is the Court speaking. 15 "Back on the record. Do you know -- I'm going to rely on you, 16 17 Mr. Schwartz, to tell me. Is there a 18 typical retainer for a 16.10(b)(sic) 19 evaluator?" 2.0 And, Your Honor, I'm going to 2.1 say typical means this is for the best 2.2 interests of the children. Again, never 23 does this Court -- never, not once -- in 24 that transcript state that it's going to be

1 to suspend the Petitioner's parenting time. 2 THE COURT: All right. 3 Then, Your Honor, I've got MR. DICK: another --4 5 THE COURT: All right. Please. 6 MR. DICK: -- argument here. THE COURT: Let's hear it. 8 MR. DICK: The court transcripts from 9 August 23rd, 2016, on page 37, line 22, 10 opposing counsel Mr. Auslander states, "We 11 have two neutral individuals appointed by 12 the Court, Mr. Schwartz as the guardian ad 13 litem, Dr. Sol Rappaport as the 16" -- I'm 14 sorry -- "as the 604.10(b). I think it's 15 important that both parties have 16 responsibility for the fees so that they 17 are a part of this process and they can't 18 complain -- specifically Mr. Dick 19 complaining that somehow it's one-sided so 2.0 that he can also then manipulate and rack 2.1 up additional expenses that would be my 2.2. client's responsibility. I think it's 23 important for both parties to feel vested 24 in this process."

Your Honor, that was all part of that negotiation. Never, not once, in these court transcripts was it ever discussed that the Petitioner's parenting time would be suspended for the appointment of the 604.10(b).

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Okay. Mr. Auslander? THE COURT: MR. AUSLANDER: I find it interesting that Mr. Dick is using the word negotiation as if there was somehow a negotiation and agreement in all of this when he fought the process every step of the way, and where he's referring to this is his desire to have the financial obligations not be on him, where he wasn't even in agreement to be in that. And what I had indicated to the Court, that he's pointing out, is that both people need to have some financial responsibility in this so that they're both a part of it.

But the crux of the issue here,

Judge -- what Mr. Dick can't seem to get a

grasp on, I guess, is that when we use the

term best interests of the children, that

1 doesn't mean a broad scope on everything. This isn't a pre-decree case. What we had was a limited scope issue that was brought before Your Honor. It was a motion to 5 suspend his parenting time. 6 Now, he has a vested interest in having a neutral individual in that because 8 he thinks his parenting time shouldn't be 9 I believe what Mr. Schwartz was suspended. 10 indicating in his argument to the Court and 11 what I conveyed to the Court was that 12 Mr. Dick would benefit from this because he 13 thinks his time shouldn't be suspended. So 14 he's got a right and wants to have 15 someone --Objection. 16 MR. DICK: 17 MR. AUSLANDER: -- to be involved. What's your objection? 18 THE COURT: 19 MR. DICK: Mr. Auslander can't speak 2.0 for Mr. Schwartz. I think it has no 21 bearing or relevance here. 2.2. MR. AUSLANDER: I can speak as to what 23 I interpret and believe, which is what 24 Mr. Dick has done the entire time.

THE COURT: I'm going to overrule the objection. Go ahead.

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MR. AUSLANDER: Now, there are two sides to the issue that's pending before the Court: should Mr. Dick's parenting time be suspended or should it not be suspended. I suppose there's a third. If it's not suspended, should it be otherwise restricted, which is what our motion seeks; and we've asked the Court to take into consideration in assessing that whether it's in the children's best interests to have the time suspended, to allow the time to continue, or to impose any type of restriction.

And that's what the statute says. Mr. Dick seems to ignore that. And what he likes to do is selectively piece out phrases from a transcript. Now, when you review the entire transcript, he's trying to argue that the Court never ruled that the scope is limited. The Court never ruled that the scope is wide as can be.

You granted our motion which was to have a

1 604.10(b) appointed to address our motion, 2 and that's what the order was written as. 3 There's just nothing inappropriate here. THE COURT: All right. Final word, 4 Mr. Dick, on this issue? 5 6 MR. DICK: Thank you. Yeah. Your Honor, from the July 22nd, 2016, 8 transcripts, on page 40, line 22, it states 9 this ends the proceedings. Never, not 10 once, did this Court offer what was going 11 to be in the court order. And, again, this 12 Court never, not once, said suspend the 13 Petitioner's parenting time. In the entire 14 court transcript from July 22nd, 2016, this 15 Court never even mentions the phrase suspend the Petitioner's parenting time. 16 17 THE COURT: Okay. All right. So the 18 primary pleading that was pending at that 19 time -- the primary pleading that continues 2.0 to pend today in this post-decree case is a 2.1 petition for the suspension of your 2.2. parenting time, Mr. Dick. The Court 23 appointed the 604.10(b) to assist the Court 24 in determining the best interests in regard

1 to the suspension of parenting time pleading that was pending. So I am going to clarify -- And then on that date there was a transcript. 5 There was a hearing. There were findings. 6 And then the ultimate finding and the ultimate order of court was the written order which specifically identified that 8 the scope of the appointment was in regard 10 to this petition for suspension of 11 parenting time and the determination of the 12 children's best interests in that regard. 13 I am clarifying further today that the record and the order that was 14 15 entered on that day was correct. 16 consistent with the Court's findings. 17 remains consistent with the Court's 18 findings. The motion to amend or modify or vacate that order is denied. 19 2.0 Okay. Now we have your motion, 21 Mr. Auslander, correct? 2.2 MR. DICK: Your Honor, I have a motion 23 that was brought before his motion to 24 compel the Respondent to comply with the

1 parenting agreement. And it is stamped on February 1st. If Mr. Auslander can trump me, let him do it. Judge, I might make a MR. AUSLANDER: suggestion with the way things tend to 5 6 proceed in this matter. There tends to be a lot of overlap of factual information --8 THE COURT: Yes. MR. AUSLANDER: -- that relates to, I 9 10 think, both motions. You'll find that both motions deal with events and incidents that 11 12 occurred in January. 13 I think in order to be 14 expeditious, we could probably have you 15 hear both of them simultaneously. We may 16 make arguments on them individually, but I 17 think for ease of time and not being 18 duplicative with what we need to put forth 19 before the Court, it may be most efficient 2.0 to just streamline them together. 21 THE COURT: Okay. Do you have an 2.2. objection to Mr. Dick going first if we 23 were to hear them together? 24 MR. AUSLANDER: No.

1 THE COURT: Mr. Dick, are you in 2. agreement to hear the motions together? 3 You would be afforded the opportunity to proceed first on your motion. 4 5 MR. DICK: Your Honor, are you proposing that we hear my motion to compel 6 the Respondent to comply to the parenting 8 agreement and court order for the 9 communication with the children 10 simultaneously with the Respondent's 11 emergency supplement to suspend parenting 12 time? 13 Well, they both relate to THE COURT: 14 the same or similar facts; isn't that 15 correct? 16 MR. DICK: No, no. I fail to -- I fail 17 to see the relation. There is no relation. 18 The violations of the Respondent's -- of 19 the parenting agreement and the court order 2.0 are a huge matter, individual and 21 significant unto its own. 2.2 THE COURT: Okay. 23 It's a gigantic part of the MR. DICK: 24 dysfunction with the parties here.

1 All right. So I'm going to THE COURT: 2 allow you to present your motion. I'm going to allow you then, Mr. Auslander, to present your motion. 4 5 MR. AUSLANDER: Fine. 6 THE COURT: And I may rule on them at the same time. We'll see how it goes. 8 Okay. So, Mr. Dick, go ahead 9 and present your motion to compel the 10 Respondent to comply with parenting 11 agreement. 12 MR. DICK: Thank you. Your Honor, on 13 February 1st, 2017, I filed an emergency 14 motion to compel Respondent to comply to 15 parenting agreement and court order for 16 communication with the children. I believe 17 opposing counsel and the Respondent 18 responded to that motion. I have a copy. 19 It's not stamped. I believe it might have 2.0 been February 21st. 21 MR. AUSLANDER: It was filed on the 2.2. 21st. 23 THE COURT: I will note for the record 24 that it was filed February 21st, 2017.

I have filed an addendum to 1 MR. DICK: 2. my motion on February 23rd, 2017. Your 3 Honor, I'm softly asking, you had an opportunity to read these three motions? 4 5 THE COURT: Yes, I have. Yes, I have 6 the addendum here also, yes. Okay. There is a current MR. DICK: 8 parenting agreement between the parties. Under a specific section within that 9 10 parenting agreement it states, "Parental 11 Conduct, paragraph C." 12 I quote, "Each parent shall be 13 allowed to communicate with the minor 14 children at reasonable times for a 15 reasonable duration. The parties 16 acknowledge that all terms in this 17 provision must be underscored by a -- by 18 reasonableness and appropriate boundaries. 19 Accordingly, the parties have determined 2.0 that in the absence of emergency 21 circumstances or other written agreement, 2.2 phone contact, including text messaging, 23 will not exceed two times daily and neither 24 party shall initiate telephone contact

1 after 7:00 p.m. The parties further acknowledge the importance which each places upon the right to daily communication with the minor children. 4 Accordingly, both parties agree 5 6 to encourage and facilitate the conversations in good faith, including 8 prompt return calls in the event of the minor children's unavailability at the time 9 10 of the initial call." 11 I am also going to quote from a 12 court order from Judge Donna-Jo 13 Vorderstrasse on August 23rd, 2013, a court 14 order; and it states in paragraph No. 3, 15 "All telephone contact with the minor 16 children shall be through Conrad's cell 17 phone only." Conrad is the oldest child. 18 Ιt 19 has been always deemed that because there 2.0 is one cell phone for three children, it is 21 referred to as the children's cell phone. 2.2. I cannot begin to inform this 23 Court of the extreme dysfunction April 24 Neumann has placed on the children and for

me in regard to this paragraph C of parental conduct. April Neumann refuses to allow the children to call me, and it's been going on for seven years. And the children have verified this to Marc Schwartz and to police and possibly to social workers and anybody else.

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The children have to go to the school office to call me when their mother doesn't allow me -- allow them to call me and when their mother doesn't receive my phone calls.

There have -- last year in March there was an incident involving the police whereby I was talking to my son on their cell phone and it was -- I believe the -- it was at 6:45. And I was picking one son up at her residence for basketball practice, and I knew that I could only speak to my daughter for five minutes. And my other son Bryan tried to give our daughter the phone, and Miss Neumann went crazy. I heard it myself. She was screaming and yelling. My son gave the

phone to our daughter. She barricaded herself in the bathroom. I only had five minutes to talk to her because, you see, after seven o'clock Miss Neumann doesn't allow phone calls to occur. She does not ever act in good faith.

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The words -- the words importance that each places upon the right -- the right to daily communication, agree, encourage, facilitate, good faith. If the phone -- if Miss Neumann doesn't allow the children to speak to me before seven o'clock, it's her convenience to say you can't speak to your father because now it's after seven o'clock. Meanwhile, I always have the children call their mother, and phone records prove it. I can pull up any month of any year, and I have actually included it in my addendum.

On, I believe, January 18th of this year Miss Neumann -- there was another police involvement at Miss Neumann's house. There was a fight over a laptop. She quickly swiped the laptop away from our

1 oldest son. MR. AUSLANDER: Objection to the 3 characterization. Mr. Dick wasn't there. How does he know that? 4 5 THE COURT: I'm going to sustain the 6 objection. MR. DICK: I've seen the video. 8 There's a video that our ten-year-old 9 I've seen it several times. daughter took. 10 There's also a police report of which my 11 son has offered his testimony, and there's 12 the police report that Miss Neumann has 13 offered her testimony. 14 Okay. But there would need THE COURT: 15 to be admissible evidence here today in court for me to consider it. 16 17 MR. DICK: There was a physical altercation between Miss Neumann and our 18 19 oldest son, and she was confiscating his 2.0 laptop. He was totally not -- he was not 21 understanding at all why. She claimed he 2.2. was being punished. He had no idea he was 23 being punished. 24 MR. AUSLANDER: Objection.

1 MR. DICK: What ensued --2 THE COURT: I'm going to give him a little leeway here. Thank you very much, Your MR. DICK: 5 What ensued was Miss Neumann then 6 dropped the laptop anyways, and she then confiscated the children's cell phone. 8 Apparently, she ran across the street to 9 the neighbor's house and dropped off the 10 cell phone there. I'm not certain why. 11 Your Honor, I want you to know 12 that I have filed a small claims complaint 13 that I can easily file against 14 Miss Neumann. She is --15 THE COURT: I don't know how that's relevant here. 16 17 MR. DICK: Well, she has confiscated 18 the children's cell phone. Your Honor, all 19 this information is in my motions here. 2.0 She has confiscated the children's cell 2.1 phone. She has failed to allow for the 2.2 prior rulings of these Courts to take 23 place. She has violated our parenting 24 agreement hundreds and hundreds of times.

1 She has violated the court order. read her response in that -- because the court order that states -- that Mr. Schwartz wrote that states all 5 communication is to occur on Conrad's cell 6 phone. Because that's in 2013, she thinks that's in the past and that no longer applies; thereby, all court orders from the 8 9 past no longer apply. 10 The problem is Miss Neumann --And the children have verified this to 11 12 many. I -- when they are with their mother 13 for ten days in a row, I rarely get to 14 speak to my own children. Again, they --15 And I don't want to talk on her cell phone. She doesn't have the authority to talk 16 17 on -- to have a conversation on my cell 18 I refuse to talk on her house phone 19 because she has admitted to me she has 2.0 tapped and bugged. 21 MR. AUSLANDER: Objection. 2.2. MR. DICK: She has told that to me. 23 I'm asking, Mr. Dick, what THE COURT: 24 are your specific -- what relief are you

1 specifically asking for here? MR. DICK: I want Miss Neumann punished for her willful and purposeful, continual violations of the agreement and the court 4 5 order. 6 In fact, Your Honor --THE COURT: Okay. Besides punishment 8 of Miss Dick, what -- or I'm sorry -- of 9 Miss Neumann, what are you asking for in --10 MR. DICK: I want the cell phone back. 11 Your Honor, this is evidence right here. 12 This is the cell phone she smashed --13 MR. AUSLANDER: Objection, relevance. 14 MR. DICK: -- on the floor. 15 MR. AUSLANDER: Relevance? 16 THE COURT: You know, Mr. Dick, I don't 17 know whose phone that it or what the 18 circumstances are. 19 I'm telling you what it is, MR. DICK: 2.0 and it's in the police reports. 21 THE COURT: Okay. If you want to tell 2.2. me what happened to that phone, what you 23 saw and what you heard, you know, then you 24 go ahead and tell me. But don't tell me

1	what somebody else knows or what's in a
2	report that's not been admitted into
3	evidence.
4	MR. DICK: Your Honor, I can prove and
5	I have proven
6	THE COURT: Here's your opportunity,
7	sir. Tell me what the evidence is that's
8	within your knowledge that you can present
9	to this Court that's admissible. This is
10	your opportunity. Let's hear it.
11	MR. DICK: Well, Your Honor, based on
12	my verbal testimony and my written
13	testimony. All the evidence is in my
14	motions.
15	THE COURT: I'm not going to consider
16	your written testimony. If you want to
17	offer testimony
18	MR. DICK: You're not going to consider
19	my written testimony?
20	THE COURT: This isn't testimony. This
21	is a pleading.
22	MR. DICK: Please turn to the end of
23	the back of my addendum, Your Honor. I'll
24	be happy to go through court phone

1	records.
2	THE COURT: Can you direct me
3	specifically to something?
4	MR. DICK: It's my addendum. That's
5	not that. That's not my addendum.
6	THE COURT: Oh, I'm sorry. Okay. What
7	in your addendum are you asking the
8	Court
9	MR. DICK: The back. The end of my
10	addendum are phone records.
11	MR. AUSLANDER: Judge, beside from the
12	fact that the phone records are hearsay
13	documents
14	THE COURT: Correct, but let's see what
15	he's first of all, I don't see
16	MR. AUSLANDER: I've seen it. I think
17	he's trying to make the argument that it
18	supports that he's facilitated phone
19	contact. It will also identify for Your
20	Honor that he has significant phone contact
21	with the children. So I'm not entirely
22	certain where he's going with all of this.
23	THE COURT: Well, are you objecting to
24	the Court considering the phone records or

1	not?
2	There are no phone records
3	attached to my addendum.
4	No, I don't have that attachment
5	on mine.
6	MR. DICK: Do you have the correct
7	addendum?
8	THE COURT: Notice of Addendum filed
9	February 23rd.
10	MR. DICK: I can't read the first
11	paragraph there.
12	THE COURT: This is in regard to the
13	bias motion.
14	MR. DICK: Uh-huh.
15	MR. AUSLANDER: Judge, for the record,
16	I would state
17	MR. DICK: Is this is this an
18	objection? This is my argument. This is
19	my argument.
20	THE COURT: I know. You are asking the
21	Court to consider some documentation. He's
22	objecting on the basis that it's not
23	admissible. And I'll be honest with you,
24	Mr. Dick, I agree with him. It's not

1 admissible. He's considering whether or not he is going to agree to allow you to 3 present it to the Court. 4 And what's your position, Mr. Auslander? 5 6 MR. AUSLANDER: Your Honor, given that these are merely phone records and not 8 indicative of anything other than that 9 phone calls were placed, I would state my 10 objection as hearsay; but I would, in 11 essence, waive that objection and ask Your 12 Honor to consider it in giving it its 13 proper weight. 14 Okay. So you're not THE COURT: 15 objecting to the Court considering the 16 phone records? 17 MR. AUSLANDER: No. 18 THE COURT: All right. I don't have 19 that, Mr. Dick, if you want to present it 2.0 to me. 21 MR. DICK: All I'm asking you to do is 2.2. look at the billing period January 3rd to 23 February 22nd. It's in reverse. It starts 24 with January 3rd. It goes to the 18th when

1 Miss Neumann confiscated the children's 2. cell phone. 3 The next billing period would be February 3rd. Here's February 3rd to 4 5 present. And this is now a few days old. 6 It starts --THE COURT: What's your point? 8 MR. DICK: Well, Miss Neumann has 9 confiscated the children's cell phone. She 10 still has it in her possession now. 11 THE COURT: Okay. So is your point 12 that you haven't had any phone 13 communication with your children since a 14 date specific? 15 MR. DICK: Not the way it was deemed 16 through the Courts. It was purposely put 17 into the parenting agreement and the court order --18 19 MR. AUSLANDER: Objection. 2.0 mischaracterizes the parenting agreement. 2.1 Judge, this is the crux of the issue. 2.2 have a parenting agreement entered in July 23 of 2014 that he spoke very specifically 24 about what paragraph C says. There's

1 nothing in paragraph C that limits communication to the children's cell phone. He's relying on an order that predates this. Our position is that once this agreement was entered and there weren't any 5 6 restrictions on how communication should take place, it made the prior order moot. 8 THE COURT: Okay. 9 MR. AUSLANDER: Because that's 10 consistent with how orders get entered and 11 when they supercede them and they don't 12 reinforce prior orders or they don't 13 specifically include that language that now 14 it's open for all sorts of communication. 15 The issue really is limited to about a 16 ten-day to two-week period where Mr. Dick 17 did not have communication with the 18 children on the cell phone. 19 That's what I'm trying to THE COURT: 2.0 get to. What is your specific complaint, 21 Mr. Dick? 2.2 MR. DICK: Thank you. Miss Neumann's 23 actions have purposely caused great pain 24 and suffering for the children and me

1 because she controls the phone calls, if 2 they even occur. 3 When did you not have the THE COURT: ability to communicate with your children 4 From what date to what date? 5 by telephone? January 19th till I don't 6 MR. DICK: know when. Miss Neumann might be able 8 t.o --9 THE COURT: Okay. Mr. Dick, I'm not --10 I'm talking about you and your phone communication with your children. 11 12 MR. DICK: Well, Your Honor, I just 13 showed it. It was right here, and it's on 14 the court record. 15 THE COURT: Mr. Dick, first of all, 16 you're standing several feet away from me 17 holding up a record that I don't -- I can't even determine what it is or what it 18 19 represents. 2.0 MR. DICK: I thought you had this 2.1 motion. 2.2 THE COURT: No, I do not. And as far 23 as -- I'm trying to understand what is the 24 essence of your argument. So you're saying

1 that you did not have any phone communication with your children from January 19th -- Since January 19th you 4 haven't spoken to your children on the 5 telephone, is that it? 6 MR. DICK: No, I have, and it has been great strain and stress and conflict and 8 chaos because Miss Neumann has tried to 9 control all the phone conversations. 10 that's not what the parenting agreement 11 says. 12 If you want -- You know, Your 13 Honor, address this issue. The reason why 14 Mr. Schwartz had put in that court order 15 that all communication would be on the cell phone is so that we didn't have to talk on 16 17 each other's landlines. If I wanted -- and if I played the same games Miss Neumann 18 19 played, I'd make her call my house phone. 2.0 I'm quite certain she doesn't want to do 21 that. 2.2 She doesn't have my authority to 23 use my cell phone to talk to my children. 24 That's the exact reason why that court

order said that all communications would be 1 on the cell phone. THE COURT: Okay. MR. DICK: And now Miss Neumann has 4 5 confiscated and absconded that cell phone. 6 She has placed great stress for the children. She yells at them if they try to 8 call me on her house phone. 9 THE COURT: Okay. So the 10 communications on the cell phone have --11 the cell phone has not been available, but 12 there have continued to be phone 13 communications between you and your children; is that correct? 14 15 MR. DICK: Limited, very limited. 16 THE COURT: But have there -- My 17 question is have there continued to be phone communications between you and your 18 19 children since the cell phone was 2.0 unavailable? 21 Not in accordance with the MR. DICK: 2.2 parenting agreement. 23 THE COURT: I'm going to ask it one 24 more time, Mr. Dick. Have you continued to

1 have phone communications with your children since the cell phone was unavailable? 4 MR. DICK: In a struggled manner, yes. 5 THE COURT: Thank you. 6 MR. DICK: Now, Your Honor, the children have had to go to the school office to call me. They've had to go to a 8 9 pay phone to call me on their own. 10 MR. AUSTANDER: When? 11 MR. DICK: Oh, I could check my phone 12 records. The children bike to a local park 13 and put 50 cents in a pay phone. 14 shameful that they can't call me on their 15 cell phone because they don't have their 16 cell phone. Miss Neumann absconded the 17 children's cell phone on January 18th. 18 Now, our son is slated to go to 19 Washington, D.C. this coming Wednesday; and 2.0 it is a requirement that all attendees, all 2.1 children going, all eighth graders must 2.2 have a smart phone or an iPhone. My son 23 has informed me that his mother says that 24 she guesses that she's going to have to

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1	give it back to him for the weekend because
2	they that's the only way they
3	communicate with the children. They send
4	text messages to be at a certain spot at a
5	certain time.
6	THE COURT: Okay. So basically you're
7	asking me to hold Miss Neumann in contempt
8	for her failure to comply with paragraph C
9	and the August 23rd, 2013, order in regards
10	to communication telephone
11	communication; is that right?
12	MR. DICK: Numerous, numerous times.
13	THE COURT: Okay.
14	MR. DICK: Mr. Schwartz is well aware
15	of this.
16	THE COURT: All right.
17	MR. AUSLANDER: That's not what his
18	relief is asking.
19	THE COURT: Not in the motion.
20	MR. AUSLANDER: No.
21	THE COURT: But that's what he's
22	arguing for orally, right? Okay.
23	MR. DICK: Your Honor, my relief of my
24	motion

1 THE COURT: Your motion asks that an 2. order be entered requiring her to conform with the parenting agreement and comply with the order. Then you're also asking me 4 5 to punish and penalize her. MR. DICK: Yes, because if she's not 6 chastised, warned, threatened, or 8 something, which not one Lake County Family 9 Court has ever done to Miss Neumann for her 10 numerous poor behaviors, she will continue 11 to do it again. 12 THE COURT: Thank you. 13 Mr. Auslander? 14 MR. AUSLANDER: A lot of these issues 15 got bogged down into very specific 16 language. Mr. Dick is complaining that my 17 client hasn't complied with the terms of 18 the parenting agreement when, in fact, the 19 parenting agreement doesn't limit what the 2.0 communication is supposed to be on. 21 order from August of 2013 does. 2.2 MR. DICK: Objection. It says daily 23 What -- how else can we communication. 24 define daily communication?

1 Mr. Dick, I'm going to make THE COURT: 2. a determination. It's going to be up to me to determine whether or not there has been a violation of this order. Okay? 4 5 But I do need clarification. 6 MR. AUSLANDER: Yes. THE COURT: In regard to the parenting 8 order, the paragraph C, what's the date of 9 that -- of the entry of that order? 10 MR. DICK: July 28th of 2014. 11 THE COURT: Thank you. 12 MR. AUSLANDER: Now, Mr. Dick stands 13 here and tries to present a position that 14 he hasn't had phone communication in line 15 with the parenting agreement between 16 July -- or January 19th and a date unknown 17 to him. And you've asked him about that; 18 and he says, "Well, I have had 19 communication, but it was a struggle." 2.0 Because he doesn't want to do it on the 2.1 phone -- on a landline. He doesn't want to 2.2 do it on my client's cell phone. 23 doesn't want to do it over the children's 24 iPads or through other communication.

What he can't tell you is that he's had zero communication. And if you look at the phone records, as I just did, they show that at least during the month of February -- since February 6th he's been having a lot of communication with the children on their cell phone, which suggests that he's replaced it. He didn't tell you that.

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But what he wants and what all of this is about is he's trying to punish my client. He wants to blame her for everything that's going wrong. He talks about, "Well, there was this altercation at this house." I've got the video of it here, and I think it's very relevant. And this is why I said the issues sort of meld together, because the issue about the phone stems from the conflict that occurred in the house that led to Mr. Dick calling the police to do a well-being check, them viewing the video, and their child being arrested.

Now, he wants to blame my client

1	for that. My client didn't ask to be
2	attacked by their son. But instead of
3	using the laptop, she took the phone. Now,
4	the phone is a lightening rod of conflict.
5	Mr. Dick communicates with these children
6	after 7:00 p.m. In doing it, he tells
7	them, "Call the police if you're afraid.
8	Hide your phone from your mom. You don't
9	know if something bad is going to happen."
10	It's throughout our motion. It's in our
11	response.
12	Mr. Dick is doing things using
13	the phone as a weapon to get at my client.
14	She took it away because she got beat up by
15	her son; and then she was chased down the
16	street, as she was seeking refuge, by her
17	two other children, one who was videoing
18	all of this. Mr. Dick apparently finds
19	that acceptable.
20	MR. DICK: Objection. Evidence.
21	Acceptable? It's horrific.
22	THE COURT: Your objection is
23	overruled. Go ahead.
24	MR. AUSLANDER: Now, he wants the phone

back so he can continue to have the communication he wants with his children. My client is not objecting to communication. She's objecting to the timing of it, the form of it. And what's important to note, the language of the parenting agreement says it's underscored by reasonableness and appropriate boundaries.

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March of 2016 that Mr. Dick is talking about, my client was working with the daughter doing her homework, and he wanted to interfere and interrupt with that while they were trying to get it done. And what happened was -- is one of the parties' sons put the phone on speakerphone and allowed Mr. Dick to communicate and the child ran and got away and locked herself in the bathroom. Mr. Dick then called the police to the house.

So this isn't my client preventing communication. Yes, he wants to use the term she's trying to control

communication. Since January 18th she took the cell phone away. We don't deny that. But she's made her house phone available, her cell phone available. Mr. Dick has had ample opportunity to communicate with these kids, and he's contacted the school to make sure that the school is bringing the children in so he can speak to them on the phone.

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Now, we'll get to the substance of our motion, and I'm happy to provide copies of the emails Mr. Dick has sent to the school where he's informing them of these conflicts and disparaging my client in violation of an Order of Protection which he's not supposed to be doing this, asking them to make complaints to DCFS because he knows they're mandated reporters. And then he wants to say that he had no role in that.

That's what all of this is about. It's not about not having phone contact. It's not about it being solely on the cell phone versus over other forms of

communication. And when we were here with Judge Waites, he tried the same thing, to suggest he wasn't having phone contact.

And she pointed out that there are many ways to have communication. And I suspect that he's had plenty of time to email, text, video conference with the children.

MR. DICK: Objection. Relevance.

Evidence. None.

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THE COURT: Overruled.

MR. AUSLANDER: But he's asking to punish my client because he wants it solely on the cell phone? It sounds like he's the one who's trying to control and limit how the phone communication happens. It's not whether it happens. It's not he who is valuing the communication. He's saying I can only have it in a certain set of circumstances, and I think he's trying to use that to say that my client is unwilling to cooperate.

I don't understand it. I think his motion is baseless. I think the fact that he's probably already replaced the

1	cell phone, based on the records he's
2	provided, makes this whole issue moot and a
3	waste of time and resources.
4	THE COURT: Now you're going to present
5	your motion?
6	MR. AUSLANDER: Sure.
7	MR. DICK: Do I have any follow-up with
8	that, Your Honor?
9	THE COURT: I'm going to allow him to
10	present his motion, and then you can follow
11	up in response follow up on your motion
12	and respond to his.
13	I also want to hear from you,
14	Mr. Schwartz.
15	MR. AUSLANDER: Judge, we filed our
16	motion, and I'm going to try and do this
17	expeditiously here.
18	THE COURT: Please.
19	MR. AUSLANDER: This is the parenting
20	agreement. We filed our emergency motion
21	to really a supplement to the prior
22	motion to suspend Mr. Dick's parenting time
23	because of two primary incidents that
24	occurred in January. One is surrounding

January 3rd where there was some conflict in my client's home after 10:00 p.m. at night, and then the other one was January 18th around 5:00 p.m.

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Now, the sum and substance of the January 3rd event was my client had gone to bed. She awoke to find that her daughter smelled smoke. The parties' son Bryan was using matches. He was up late with his other brother, and he was playing with matches. My client went into the room, had to deal with that. The children weren't going to sleep past bedtime.

Arguments ensued. There was conflict. It perpetuated itself as the evening went along.

I'm not going to go into all the details because I don't think the details are really relevant, but what we had was an altercation between Bryan and my client where he complains that my client scratched his ear. He text his father. Mr. Dick says call the police, and we've attached the text message to our motion. "Call 911

1	if you are afraid. Call 911"
2	MR. DICK: Objection. Counsel is only
3	giving partial evidence.
4	MR. AUSLANDER: You can look at the
5	entire set.
6	THE COURT: I'll give you an
7	opportunity, Mr. Dick.
8	Go ahead.
9	MR. AUSLANDER: The children send a
10	photo that says this is what she just did,
11	and it apparently was a bunch of change
12	that my client had knocked on the ground.
13	So he says, "Call 911 if you're
14	afraid."
15	They then send a photo of the
16	child's ear. He says, "Call 911. You have
17	the right. Police say you should do it.
18	Please."
19	This is at 11:54 p.m. The first
20	one was at 11:42.
21	MR. DICK: 11:41.
22	MR. AUSLANDER: Mr. Dick's first text
23	message was at 11:42.
24	At 12:02 he texts back, "What's

1	going on?" One of the children respond,
2	"We're going to sleep now. I was just
3	about to put the phone down to charge."
4	Mr. Dick's response, "Don't let
5	her have the phone. You don't know if
6	something bad will happen.
7	I know. I have it hidden and
8	it's charging."
9	He responds, "Is that your safe
10	on the floor? Taking things away from you
11	to hurt you make you sad and make you cry."
12	That's what he wrote almost 15
13	hours later at 3:26 in the afternoon.
14	Unprompted Mr. Dick wrote that, apparently
15	wanting to convey to the kids that my
16	client punishing them is to hurt them.
17	You then have emails that are
18	attached as Exhibit B. I have a copy of
19	those if you want. I'll give it to
20	Mr. Dick and Mr. Schwartz.
21	Mr. Dick emails the school on
22	January 3rd at 11:58 p.m. detailing what he
23	is told through text messages to the
24	children suggesting that it's okay for them

to contact 911. I'm paraphrasing. He gets a response the following midday at 12:01 from the school individuals he sent this to, Miss Gartside from -- Lori O'Hara is the one who responded letting him know that they've gotten the emails and that they're in the process of following through regarding the boys and his concerns.

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He then responds back once again talking about how it's okay to contact 911; and at the end of it he says, "As social workers and mandated reporters to the Court, I'm requesting that a report be made detailing this dysfunction."

Now, he has put in his pleadings that the social workers have done this on their own volition. They would have zero knowledge of any of this unless Mr. Dick had reached out to them. He is directing what should be happening and how it should happen. He's instructing his children to call the police.

We then have on January 18th -- and I have video if Your Honor would like

to see it; I can turn on my laptop and play it -- which clearly shows the incident that occurred on January 18th and what happened that ultimately led to the parties' son's arrest.

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Now, Mr. Dick has, based on that event, filed for a Petition for Order of Protection that he went up to 207 to try and get without notice. It was denied as an emergency. He was advised that he's to provide notice of that, which he has not done. Although, I know based on the court call sheet it's up today. It was not addressed at our last court date. It shouldn't be addressed today.

But he went and took this information and he tries to suggest that my client has lied to the police which is why the parties' son was arrested when, in fact, Mr. Dick is the one who called the police. And I have audio recording of that as well. I also have all the police reports where he contacted them to get the cell phone back, which is why I thought

1 these things should be addressed together, saying he wants his cell phone back and he wants them to do a well-being check. 4 They went to the house. 5 Everybody was fine. Nothing was --Objection. Prove it. 6 MR. DICK: THE COURT: This is argument, Mr. Dick. 8 MR. DICK: Okay. 9 MR. AUSLANDER: The proof is in the 10 fact that there was no issues going on. 11 client didn't call the police. 12 children were at home, calm, collected. 13 The parties' son went with my client after this altercation to a freshman orientation 14 15 at Stevenson High School. Everything had 16 subsided. Despite what had happened 17 earlier in the day, my client still didn't 18 call the police; but Mr. Dick felt it was 19 necessary to get the police involved. 2.0 called them to do a well-being check. The 2.1 police showed up, found that nothing was 2.2 out of the ordinary, and ultimately asked 23 about what happened earlier. They saw the

videos; and they arrested the parties' son

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not because my client called the police,
but because Mr. Dick did. He would like
you to believe otherwise; and his pleadings
suggest that somehow it's my client's
fault, that she asked to be attacked by
their son and she's the one who asked for
him to be arrested. Nothing could be
further from the truth.

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That's the night that the phone got taken away, because the children were then attempting to contact -- they weren't attempting to contact Mr. Dick. My client after having the cell -- or the laptop taken from her physically, took the cell phone to prevent the types of communications that are leading to infuse and coach the children on what to do.

We then have a series of events following January 18th where Mr. Dick then contacted the police on the 19th. He had two of the children go file complaints against the neighbors for taking the cell phone and had them write written reports. The police report indicates that the

1 parties' daughter admitted that Mr. Dick 2. wrote the statement she brought in. MR. DICK: Objection. THE COURT: I'm sorry. I didn't follow 4 5 that. 6 MR. DICK: Yeah. MR. AUSLANDER: Both children brought 8 written statements with them. The police 9 report indicates, at least with regard to 10 the parties' son, that wasn't written in 11 front of the police officer. And the 12 second one from the daughter, the daughter 13 indicated that Mr. Dick wrote it. 14 are the whole set of police reports. 15 THE COURT: Are the parties agreeing for the Court to consider these police 16 17 reports? 18 MR. DICK: Sure. 19 MR. AUSLANDER: If you look to -- I 2.0 believe it's the third one from the back, 21 which on the front has Case No. 2017, four 2.2 zeros and then 1329. 23 THE COURT: Okay. I'm there. 24 With a disposition date MR. AUSLANDER:

of January 19th, 2017. 1 2 THE COURT: Yes, I'm there. MR. AUSLANDER: The last page of -- or 4 I'm sorry. The second to last page of 5 this -- And there are a number of pages. Ι 6 think eight pages possibly in total. MR. DICK: Again, I have to object. What is the relevance to this police report 8 9 that we're specifically talking about? 10 THE COURT: Okay. Mr. Dick, you just 11 stipulated to the admission of these police 12 reports in their entirety. So if 13 Mr. Auslander wants to draw the Court's 14 attention to some portion of it, then he's 15 certainly entitled to do that; and you can 16 draw the Court's attention to some other 17 part of it. But you've just agreed to the admission of these police reports. 18 19 MR. DICK: Yes, but we don't know why 2.0 we're talking about this. 21 THE COURT: Well, I'm going to give him 2.2 some leeway to find out. Overruled. 23 MR. AUSLANDER: Now, what we have here 24 is a narrative by, I believe, Officer Brown

1	where she is detailing her meeting with
2	Mr. Dick and the parties' two children,
3	Bryan and Courtney.
4	I draw your attention to the end
5	of the first paragraph where it references
6	that Officer Brown did not witness Bryan
7	write the statement that she is
8	referencing, which I believe is earlier on
9	in the document, page 3, suggesting that it
10	was prepared in advance of going to the
11	police station.
12	THE COURT: I don't you know, I
13	can't find where you are. So it's page 1
14	of 8 on that?
15	MR. AUSLANDER: Yes.
16	THE COURT: Okay. And then what page
17	is the
18	MR. AUSLANDER: Page 3 is the statement
19	by the parties' son Bryan, which is the
20	next page.
21	THE COURT: Yes.
22	MR. AUSLANDER: And then page 7, the
23	second to last page, is where I was reading
24	from.

THE COURT: Thank you. Go ahead.

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MR. AUSLANDER: So the second paragraph references the statement that Bryan wrote indicating that the officer did not see that prepared in front of her suggesting that it was prepared in advance.

The second -- or the third

paragraph there, if you look at the last

two sentences, it identifies, "Courtney

provided a written statement and said she

wrote it. I asked again if she wrote the

statement, and Courtney said her father

wrote the statement." It says, "See

attached written statement."

I don't see it attached. There is a blank page on page 4. I don't know if that was intended to be the statement or not, but it identifies that the child is indicating that Mr. Dick wrote the statement that she brought to the police department to make a complaint against the neighbors for having the phone that my client took because that's where she sought refuge.

The next afternoon the children refused to go to my client's residence after school. There's a police report -- the next one in line -- that details that entire set of circumstances.

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Now, all of these children are suggesting that they're fearful of their mother and they don't want to go, that they want to spend the time with their dad.

This goes back almost a year when Mr. Dick did the same thing that prompted us to file the original motion to suspend his parenting time where he was using the police to try and get more parenting time.

Now, the 19th was a Thursday,
Mr. Dick's parenting time; and the 20th,
the day they don't want to go back to my
client's, is her weekend. Now, ultimately,
the children went to my client's brother's
and sister-in-law's. Mr. Dick then called
the police to do a well-being check on
their house because he wasn't getting the
phone communication he wanted. So the
police showed up there. And then the

1	police showed up at my client's house the
2	following night on the 21st.
3	MR. DICK: Objection. Counsel is
4	trying to insinuate that the police arrived
5	at the Respondent's brother's house?
6	MR. AUSLANDER: I did not say that.
7	MR. DICK: Yes, you just did.
8	MR. AUSLANDER: I said they called to
9	do a well-being check.
10	MR. DICK: You said police arrived.
11	THE COURT: Okay. I'm going to ask you
12	to clarify what happened.
13	MR. AUSLANDER: If I said that the
14	police arrived, I misspoke. I don't
15	believe that's what I said. I said I
16	believe what I said is that Mr. Dick called
17	the police to do a well-being check. I
18	don't believe they did that.
19	THE COURT: Okay. So the call was
20	made, but you
21	MR. DICK: Is my objection sustained or
22	overruled, Your Honor?
23	MR. AUSLANDER: Well, we clarified what
24	the information is.

1	MR. DICK: Okay. Can I have a
2	sustained or overruled, please?
3	THE COURT: I'm not I'm going to
4	strike the objection because
5	MR. DICK: Of course. Of course.
6	THE COURT: we've clarified what
7	the I never heard him say that the
8	police came to
9	MR. DICK: Can I ask for the Your
10	Honor
11	THE COURT: You know what, actually,
12	Mr. Dick, I will overrule your objection
13	MR. DICK: Of course.
14	THE COURT: as it misstated the
15	evidence that was actually presented to the
16	Court.
17	MR. DICK: Wow.
18	THE COURT: Okay. Go ahead.
19	MR. AUSLANDER: The next police report
20	is from the 21st, the following night. The
21	children went back to my client's
22	residence. There was another
23	altercation not altercation. That's
24	probably too harsh of a word. There was a

1 disagreement about telephone contact with Mr. Dick where the children would not return my client's cell phone. indicated that if they weren't going to 5 give it back, she was going to go to the 6 police to make sure that they were listening and following what should be 8 happening in her house. 9 Mr. Dick after not getting -- My 10 client didn't have to do that. The 11 children returned the cell phone. 12 Ultimately, Mr. Dick made a -- or not a 911 13 call, but he called the police demanding 14 that they do a well-being check which 15 resulted in the police showing up at my 16 client's house again. And the report is 17 attached indicating that they responded to 18 a well-being check, complainant being 19 Steven Dick. It says he called 911 and 2.0 reported that the mother was abusing his 21 three children. 2.2. About phone contact, that's what 23 this is about. And it goes on to say that

the police explained to Conrad that from

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previous experience he knows that he has his iPad, that he's able to communicate with his father. He agreed. "I explained to Conrad and Bryan that Neumann is their mother. They are only 13 and 12. They are staying under her roof, eating her food, and that it is her weekend to have them. They need to respect what their mother is telling them to do."

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This is the police having to inform the children to respect their mother because Mr. Dick doesn't do it. He tells them call the police, hide things from your mother, do things to fear their mother.

These are but some of the issues that are going on right now that prompted us to file our supplement. Because what's happening is these children are being coached to fear their mother, to create conflict.

And I'd like Your Honor to view the video and see what did take place. If you'd give me a moment, I can turn my computer on.

THE COURT: Couple of questions.

MR. AUSLANDER: Yes.

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THE COURT: What specifically are you asking for?

MR. AUSLANDER: We want Mr. Dick's time to be suspended until this process is completed. He hasn't cooperated with the 604.10(b). He's attached now to his pleadings written statements of these children. He is putting them in the middle of this conflict. I don't know that he sees that as a problem; but it's a horrible thing to do to children, to have them not only pick a side between mom or dad, but to actually write written statements. Whether it be submitted to the police, attached to his pleadings, trying to prove his case, it goes around Your Honor's determination not to address the motion he filed for an in-camera, which you indicated you would take after we get through the 604.10(b) process and you're able to gather all of the information and see if it's ultimately necessary. He's trying to circumvent that. Everything Mr. Dick does is designed to get

1	around rulings that go against him.
2	THE COURT: So I want to clarify that
3	you're asking that his parenting time be
4	suspended in its entirety at this point?
5	MR. AUSLANDER: Yes.
6	THE COURT: On a temporary basis?
7	MR. AUSLANDER: Yes.
8	THE COURT: And communication with the
9	children?
10	MR. AUSLANDER: Be stopped.
11	THE COURT: So parenting time and all
12	communications suspended on a temporary
13	basis until further hearing and further
14	order of court, is that what you're
15	requesting?
16	MR. AUSLANDER: That's our primary
17	request. If you're going to disregard
18	that, I would suggest that we put certain
19	restrictions on when and how he's
20	communicating, perhaps that it be
21	supervised as an alternative means. But
22	our primary request is to stop all contact.
23	THE COURT: And the video that you'd
24	like me to view, can you lay a foundation

1	for the video? Or is there a stipulation
2	to seeing the video?
3	MR. AUSLANDER: I don't know if he'll
4	stipulate. My client can testify where she
5	acquired it from.
6	THE COURT: Okay. Have you seen the
7	video, Mr. Dick?
8	MR. DICK: I have, but I and I'm not
9	wanting Your Honor to view the video
10	without my being able to comment on what
11	you're viewing as well. I have no idea
12	what the Respondent has done with the my
13	opposing counsel there.
14	THE COURT: Well, you'd get to see it
15	just the same way I'd get to see it; and
16	you certainly have an opportunity to
17	argue
18	MR. DICK: I didn't know. I thought
19	I
20	MR. AUSLANDER: I have no problem with
21	him making argument about it. I don't
22	think he should be commenting as it's going
23	through.
24	THE COURT: No, no.

1 MR. DICK: Yeah, no, no. THE COURT: Nobody is going to be commenting as it goes, but both parties can 4 arque ultimately. 5 Have you seen the video, 6 Mr. Schwartz? I have, Your Honor. MR. SCHWARTZ: 8 THE COURT: Okay. Before we go to the 9 video, I'm going to ask Mr. Schwartz to 10 weigh in on both of these issues, in regard 11 to the motion to compel enforcement of the 12 phone orders, both of them, and also the 13 motion to suspend parenting time and communication. 14 15 I was out of town during MR. SCHWARTZ: 16 the month -- most of the month of January, 17 and I was not present in Chicagoland during 18 these episodes. I did have the opportunity 19 to review the video and review police 2.0 reports and review other 2.1 ancillary documentation arising from the incident of January 18th. 2.2 23 I'm pleased that Mr. Dick has 24 agreed to stipulate to allow the Court to

see this video. So rather than comment on the video, Your Honor, I'll let you draw your own conclusions. I found the video to be extremely disturbing. It was -- it's a very sad commentary on what has occurred and is occurring.

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I've had the opportunity since my return to interview almost all of the teachers for the three children. I don't want to mention names of the parties and specifically what was said to me, but they're all very concerned about this incident.

What the Court needs to understand is that the three children were brought to Daniel Wright School the day after this incident and were interviewed by the police, Your Honor, in the school office. Two of -- the boys go to Daniel Wright School. Courtney attends Half Day School, and she was brought over at the request of Daniel Wright's social worker so that they were all present together.

So the children have been

1	involved in this not only in the actual
2	event that you're going to see on the
3	video, but they've been involved with
4	police that evening. They were involved
5	with the police the next day. They've been
6	involved with the social workers in both
7	schools. They've been involved with the
8	Department of Children and Family Services.
9	As recently as this morning, I
10	had a conversation with a representative of
11	the Department of Children and Family
12	Services. I'm advised by the Department of
13	Children and Family Services and there's
14	not a written report yet that's been
15	issued that they were going to return an
16	unfounded as far as the disposition.
17	However, they are extremely concerned
18	about
19	THE COURT: That the allegations
20	against Who are the allegations against?
21	MR. SCHWARTZ: I believe the
22	allegations are against Miss Neumann.
23	THE COURT: Go ahead.
24	MR. SCHWARTZ: They are extremely

concerned -- And I have never before heard this -- heard this from a DCFS representative. They have a procedure called Intact, I-n-t-a-c-t. If the Court will bear with me for one moment.

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Your Honor, they call it Intact,
I-n-t-a-c-t, Services. I asked for a
writing on the website. I asked for a
written definition. There is none that's
been published, but what has been described
to me is that in truly high conflict
situations where they believe services
should be provided, they will offer
services on a specific schedule going
beyond what is normally offered to people
who make reports to the DCFS.

And so they will offer forms of counseling and specific targeted parenting programs. To do so, they have to provide a special waiver, and I am told as recently as this morning that that special waiver is going to be issued and they are going to offer these services to the family because they are quite concerned -- and I quote --

"about the volume of litigation that is 1 2. pending and involves these children." So the reports that I received 4 from the teachers were pretty uniformly the grave concern over the behavior of 5 the children and perhaps the parents as 6 well. 8 You should also know, Your 9 Honor, that when we were before Judge 10 Waites at our last hearing we had a 11 discussion concerning Dr. Rappaport's 12 report, and I reported to Judge Waites that 13 Dr. Rappaport had not completed his report 14 because he was not receiving cooperation. 15 Judge Waites instructed me to 16 contact Dr. Rappaport and obtain 17 communication from him concerning what communications he had received. 18 19 Dr. Rappaport wrote a letter to me dated 2.0 February 8th, 2017; and I'm paraphrasing, Your Honor. I can -- if you'd like me to 21 2.2. read the entire record? 23 THE COURT: Not necessary. 24 MR. SCHWARTZ: "As I believe you know,

initially the large delay was that Mr. Dick refused to sign my statement of understanding without modifications. Also, as I am sure you know, the Court ordered him to sign the statement as is, which he finally did. I then met with the parties together for their joint appointment on January 11th, 2017."

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He then goes on to say towards the end of that January 11, 2017, meeting he reviewed the court order and indicated that the scope of the order was to address the petition to suspend parenting time, which was the subject of today's hearing.

This is Dr. Rappaport. "I indicated that the order did not reflect that and that I would need a court order indicating that I too am" -- I'm sorry -- "Mr. Dick stated that I am to address parenting time for each as well. I indicated" -- this is Dr. Rappaport -- "that the order did not reflect that and that I would need a court order indicating that I am to address the allocation of

parenting time if that is what he wanted."

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He then goes to on to say that he arranged interviews at the end of that meeting going forward, that he received an email from Mr. Dick cancelling his January 30th meeting because he said he had some business opportunity out of town. And then Mr. Dick went on to say that he filed an emergency motion to clarify the order of court and the scope of Mr. -- of Dr. Rappaport's responsibilities.

He has not met with Mr. Dick since that time -- since the January 11th meeting. He said that he has met with Miss Neumann on January 30th and again on February 6th and that he was waiting to hear back from Mr. Dick.

So the summary is that he's met with Mr. Dick one time in a joint session, and he's had no independent knowledge of -- I'm sorry -- independent meetings with him otherwise. So that procedure has been stalled. And I specifically recall the Court's admonition when you entered that

1 order that -- how important this process is. That's what I can share with you now without divulging specific names and 4 5 dates. 6 THE COURT: Do you have any general recommendations in regard to suspension of 8 parenting time on a temporary basis? 9 MR. DICK: Your Honor, objection. 10 have not yet had a rebuttal for 11 Mr. Auslander's very, very lengthy 12 introduction of his motion. 13 THE COURT: I'll allow you to have 14 that, Mr. Dick, but right now I'm asking 15 Mr. Schwartz if he has any recommendations 16 in regard to the request for suspension of 17 parenting time and communication with Mr. Dick. 18 19 MR. SCHWARTZ: This is a truly complex 2.0 situation, Judge. The children appear, as 21 I've testified previously, to have a 2.2 unified position; and they are working 23 together to undermine their mother's 24 authority. I believe that they're getting

1	assistance from Mr. Dick in doing so. I
2	believe they're getting coaching. That's
3	what my investigation has revealed. I'm
4	troubled by an absolute cessation of
5	parenting time because that might work
6	against the resolution of this situation
7	because it may fuel the fire, if you will.
8	I certainly believe that there
9	has to be a modification and perhaps it
10	needs to be supervised I'm sorry the
11	parenting time needs to be supervised. I'm
12	very troubled by what's going on.
13	THE COURT: Can you detail for me the
14	current parenting time?
15	MR. SCHWARTZ: Not with specificity,
16	Your Honor.
17	THE COURT: Okay.
18	MR. SCHWARTZ: I can look at my notes.
19	THE COURT: I was just generally trying
20	to
21	MR. DICK: What would you like to know?
22	THE COURT: All right. Mr. Dick,
23	what's the current parenting schedule?
24	MR. DICK: The children are with me

1	every Thursday till Friday morning. Or I'm
2	sorry. Thursday after school till Friday
3	morning. Possibly three o'clock till eight
4	o'clock.
5	THE COURT: Okay.
6	MR. DICK: Every other weekend they are
7	with me from that time until Monday
8	morning. Then they are with me for three,
9	four hours every other Monday to separate a
10	ten-day stretch that they are with their
11	mother. I get three or four hours with my
12	children every ten days.
13	MR. AUSLANDER: Just to clarify, that's
14	the Monday following April's weekend.
15	THE COURT: I see. Okay, thank you.
16	That's helpful.
17	MR. DICK: Miss Neumann has an
18	extremely
19	THE COURT: Thank you.
20	MR. DICK: generous amount of
21	parenting time.
22	THE COURT: That commentary is not
23	necessary. I just wanted to know what the
24	scheduling was.

So in conclusion, Mr. Schwartz, anything else that you want to bring to the Court's attention?

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MR. SCHWARTZ: Simply, Your Honor, that this matter is continuing to spiral out of control. So I believe Court intervention is required. I believe a modification of the parenting agreement is required.

I acknowledge that the children love their father; but I have also, as I've testified before, witnessed the children in their unified reaction to me in their last meeting with me. So I know they're working together, and that's great. Siblings should work together, but not to the detriment of their parents.

And I know for a fact -- And I have independent evidence that I've been able to acquire that some of the actions that have been taken are taken purposefully to inflame the relationship with mother.

I'm not telling you that Mr. Dick is behind it. I'm telling you that the children are purposefully acting in a fashion to inflame

1 the relationship with their mother which then evolves into what, unfortunately, you're going to see in this video. THE COURT: Okay. So I know you're indicating that you think a modification on 5 6 a temporary basis until the report is completed is appropriate and not a 8 cessation of parenting time. Perhaps a 9 supervised parenting time. Do you have any recommendations of a --10 11 MR. SCHWARTZ: Supervisor? 12 THE COURT: -- supervisor? 13 MR. SCHWARTZ: That's a very difficult 14 question, Judge. I mean, the only -- I 15 think the only reasonable supervisory 16 scenario is CAC because I don't know of any 17 individual who would want to insert themselves into this situation unless it 18 19 was a therapist and we were utilizing the 2.0 therapist solely for the purposes of 21 supervised parenting time. 2.2 It's a very, very complex, 23 difficult situation; and it's gotten down 24 the road so far, Judge, that I -- there's

1	not a simple solution.
2	THE COURT: Okay. Thank you very much.
3	All right. Before we watch this
4	video, I'm going to take a couple
5	minutes and hear this motion. I have a
6	brief motion to hear on this other case.
7	(After an interruption, the
8	proceedings resumed as follows:)
9	THE COURT: All right. Go ahead and
10	see the video.
11	MR. SCHWARTZ: Your Honor, before you
12	begin to see the video, may I ask, as the
13	guardian in this matter, that anyone who's
14	in the courtroom who is not involved in the
15	case be asked to
16	THE COURT: Yes.
17	MR. SCHWARTZ: remove? We have a
18	minor involved.
19	THE COURT: Yes. So a motion to
20	exclude is granted.
21	Are you ready to go as soon
22	as
23	MR. AUSLANDER: Yeah.
24	THE COURT: We need to put it in a

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1	position where Okay.
2	MR. DICK: There's a tremendous amount
3	of dust. My only question is does the
4	court reporter need to record the video?
5	No.
6	COURT REPORTER: There's no way to do
7	that.
8	MR. DICK: I was hoping not.
9	Is there a time of the video?
10	MR. AUSLANDER: Like a length?
11	MR. DICK: Yes. So that we are we
12	know how long it's going to go on.
13	MR. AUSLANDER: I think it's about
14	seven minutes.
15	THE COURT: When was this?
16	MR. SCHWARTZ: January 18th,
17	approximately 5:00 p.m.
18	(Video was played.)
19	THE COURT: What was the date of that?
20	MR. SCHWARTZ: January 18th.
21	MR. AUSLANDER: The 18th.
22	MR. SCHWARTZ: That was
23	THE COURT: Later that
24	MR. SCHWARTZ: No. That was she

1 left the home and ran across to the neighbor for help, and they followed her across the street. So just following the --4 THE COURT: 5 MR. SCHWARTZ: Immediately, yes. 6 THE COURT: Okay. Mr. Dick, in response to -- in reply to your original 8 motion and the response to the motion to 9 temporarily suspend parenting time and the 10 comments of Mr. Schwartz, I'll allow you to 11 respond. 12 MR. DICK: Your Honor, in response to 13 Mr. Auslander or opposing counsel's 14 comments about my motion to have the 15 Respondent comply to the parenting 16 agreement, Miss Neumann has placed extreme 17 pressures on the children in her house 18 preventing them from talking to me, 19 purposeful parental alienation. 2.0 Mr. Schwartz stated, yes, it's 2.1 been a struggle. I did replace the phone 2.2 with an older phone. Miss Neumann in her 23 comments, even in her police report, states 24 that she's told me that she -- that I can't

use her house phone. If I can't use her house phone, how am I supposed to talk to the children? She purposely does not allow me to have daily communication during her extremely generous parenting time, and I send her a text message. "Can I talk to the kids? I'd like to speak to the kids."

I'm being very courteous, and I'm still not being allowed to talk to my children.

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And sometimes there are ten-day stretches when they are completely with their mother and they're not -- they don't even see me. Yes, I'm going to call the police to ask for a well-being check. I have that right.

Now, I wanted it noted and on court record never once did I call 911. I have not called 911 this year. Yes, I have called the police nonemergency line. I have requested them to do well-being checks when -- only after Miss Neumann has been belligerent and defiant to me and not in compliance with our parenting agreement.

MR. AUSLANDER: Objection. There's no

There is

1 proof that she's been belligerent or defiant. THE COURT: Overruled. Go ahead. MR. DICK: Your Honor, the children are 4 5 the ultimate judge here. 6 Mr. Auslander went into some details about an incident that happened 8 last year, and I had touched base on it 9 previously whereby I had stopped by 10 Miss Neumann's residence to pick up one of 11 my sons, which I had been doing her 12 an extreme courteous to take one of the 13 boys to basketball practice. Then one hour later she would take our other son to 14 15 basketball practice and our first son would 16 go home with her. Then one hour later I 17 would courteously bring our second son back to her house. 18 19 Mr. Auslander went into some 2.0 kind of detail about me interfering with 21 Miss Neumann doing homework with our 2.2 daughter. Well, again, I state that if I 23 can't talk to my daughter before seven

o'clock, she won't let it happen.

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1 no good faith from Miss Neumann. The children have already testified to many individuals, their social workers. mother doesn't allow them to talk to me. 5 She prevents them --6 MR. AUSLANDER: Objection, hearsay. MR. DICK: -- from talking to me. 8 THE COURT: Overruled. It's argument. 9 Go ahead. 10 Yes, I agree, the school MR. DICK: 11 officials know that there must be a problem 12 with Miss Neumann's home when the children 13 come to their office to make a phone call. 14 The principals have given me open 15 invitations that the children can use their 16 office phone at any time when they want to 17 call either me or their mother. Well, 18 they've never called their mother. Oh, I 19 can't say they've never called their 2.0 mother. I don't know that for a fact. 21 But, Your Honor, in regard to my 2.2 motion, Miss Neumann has many times 23 purposely prevented the children from 24 talking to me. You've heard that she

explodes with anger. Well, I'm going to touch base on that video and about her motion to suspend my parenting time -- to supplement, shall I say. There's extreme anger in her household.

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Now, in regard to the supplement to suspend my parenting time of -- to reply to Mr. Auslander's comment, Mr. Auslander started off with an incident in her house on January 3rd. Apparently, Miss Neumann smelled smoke. Apparently, our son Bryan was playing with matches.

Okay. So our son is playing with matches. Does that entitle

Miss Neumann to explode and trash my son's room at her house? I'm getting text messages at 11:41 at night -- text messages from my children. "Mom is going crazy.

This is what she did." And the thing is Miss Neumann has trashed their room before, coming in like a tornado, completely destroying anything she can.

One of the pieces of evidence Mr. Auslander wanted you to see was a

picture of an object on the floor.

Apparently, our oldest son Conrad has a safe at her house, and he hides things from her. She -- and I'm -- I have never seen it myself, but apparently it's a big briefcase and it's -- there's some mass and weight to it.

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My sons say that she took it over her head and smashed it on the ground trying to smash the safe. My sons have said -- my sons have told me that she doesn't have the combination. She wanted to get into the safe. She's trashing everything she can. So now I'm getting text messages.

And you're absolutely right, I'm going to tell my children to call 911. I have supplied a plethora of evidence here substantiating how and why children should call 911. Everybody, even the Lake County State's Attorney, suggests that children should call 911 when they are afraid. And, Your Honor, if you've gone through my motion, I'm happy to show -- I just -- I

1	think I've got nine examples here. "Talk
2	to an adult. Call 911."
3	You know what, forget all nine.
4	I'm just going to go with this. This is
5	the Lake County State's Attorney's Office.
6	It's called Bee Safe, B-e-e Safe. It's
7	their program. "If you are being hurt at
8	home or at school, you are not alone. Stay
9	out of the fight. Call 911."
10	All children's accredited
11	organizations urge children to call 911.
12	That's merely what I'm doing. Never was I
13	out of line. And, again, I'm going to
14	reiterate that I have not called 911 this
15	year.
16	THE COURT: When is the last time you
17	called 911?
18	MR. DICK: It was a year ago when
19	Miss Neumann trashed this phone, bullying
20	her way into the bathroom.
21	THE COURT: When did you last call 911?
22	MR. DICK: You can't quote me because I
23	don't have that information, but I think
24	it's March 23rd of 2016. She was pounding

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1	down the door, and my daughter
2	THE COURT: I just asked you when.
3	MR. DICK: purposely locked herself
4	in the
5	THE COURT: I just asked when.
6	MR. DICK: Okay.
7	THE COURT: Okay.
8	MR. DICK: I'm not done yet by a long
9	shot.
10	THE COURT: Well, you have about 60
11	seconds.
12	MR. DICK: Well, Your Honor, I'm sorry,
13	but Mr. Auslander was given at least 25
14	minutes to offer his argument.
15	THE COURT: You have
16	MR. DICK: Yes, she has her
17	THE COURT: Mr. Dick, you have another
18	minute. I'm going to give Mr. Auslander
19	MR. DICK: Well, then I'm going to fly,
20	Your Honor, because I've got a lot to
21	discuss here.
22	THE COURT: Okay. Then move quickly.
23	MR. DICK: I'm going to motion that we
24	continue this.

THE COURT: No, you're going to proceed right now.

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MR. DICK: Yes, Miss Neumann has hurt the children. That's why DCFS has been involved. There are different levels for complete -- levels of not taking action for DCFS. I'm very encouraged to hear that DCFS wants to get involved with these children because they will -- they are continuing to get to the bottom of this.

Miss Neumann has lied to the police. She lied to the police the night of January 18th. She told the police that my son was being punished. He never knew he was being punished. She has poisoned the neighbors' minds with our children and with me. I've never met these people.

However, they did harass my children.

That's exactly why I filed a complaint against them. She now has her neighbors involved in this mess.

The children have stated to the police and they have stated to DCFS that they fear their mother, and rightfully so.

Now, in regards to the video -- and I am given the right to comment on the video -- you may have noticed that my son Conrad stated at least 20 times "give me my laptop. You're stealing my laptop. You caused this." He had no idea he was being punished.

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Miss Neumann, I counted 11

times, said "you're hurting me." I'd like

to see Miss Neumann's medical reports for

the attention that she needed after that.

Never was she hurt. Never, as she claimed,

"you're breaking my back." Her back was

never broken. She claims she's being

choked. Never once was Conrad's hands near

her neck. He never choked her.

She also stated -- she told the police -- and this is in the police report -- that he threw her to the ground. At the very end of that, she slithers down to the ground herself. He never threw her to the ground. He never wanted anything to do with her. All he wanted was his laptop.

imagine if she would have calmly said, "Conrad, can I see your laptop?" But that's not the case in her house.

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Now, I'm -- I'm disgusted with what happened in that video. Miss Neumann created the whole thing, and I do not enjoy hearing my children say the F word. Guess where they learned it? Continually in her house. She is continually using F-ing and fricking, to coin a phrase. And I'm just so upset with the rage and anger in her house.

Now, I would be absolutely welcoming a suspension of Miss Neumann's parenting time. To suspend my parenting time, that's not the answer. There's no way.

Now, the incident on January 3rd where she admitted she went after Bryan's head and she ended up scratching his ear, he went to his social worker; and it was the social worker who called DCFS. I have not called DCFS to say please -- you know, please interview my children. The social

worker started the whole thing. I never initiated anything with DCFS. I've never called 911.

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Now, all of these poor behaviors and actions are occurring in Miss Neumann's home, and I am 15 miles away. How am I responsible? I'd like a court order resulting -- stating that I have God-like powers, because that's what she's trying to say. I have God-like powers. I am able to affect the children when I don't even talk to them? She doesn't even let me talk to them. There's all this rage and anger in her house, and I'm 15 miles away. I'm not buying any of this.

THE COURT: Okay. Anything else,
Mr. Dick? I'm going to ask you to bring it
to a conclusion.

MR. DICK: Well, Your Honor, certainly I am not welcoming a suspension of any parenting time. If anything, would there be a consideration for 50/50 for a bare minimum and watch Miss Neumann realize "uh-uh, I don't have the control I have,

maybe I should straighten up, maybe I
should have a better relationship with my
own children"?

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She has a luxurious amount of parenting time, and I'm responsible for her poor relationships? She has admitted she has poor relationships with all three of our children. How can that be? How am I responsible for that?

THE COURT: Okay. I think you're basically repeating the arguments that you've made. So if there's nothing new, I'm going to ask you to conclude.

MR. DICK: I'll rest.

THE COURT: Thank you.

MR. AUSLANDER: Thank you, Judge. It's amazing that we could stand up here, hear the same arguments, watch the same video, and have such a differing sense of opinion about what's actually gone on. Mr. Dick wants to blame everything on my client. She asked to be manhandled by her son. She caused it. It's okay. That's what he wants you to believe, that this was her

wrongdoing. She's telling the kid on the video "I've taken it away till Monday." He had to know that that was a result of some consequence. We don't know the discussion that was right before. Mr. Dick wasn't there. But he seems to somehow suggest that it's okay to have done that because my client took away a laptop.

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Now, what you see in that video is alarming not only from the visual content of it, but these kids are parroting words that their father has said to them.

"She's taking something away to hurt you."

The daughter is on video saying you're hurting him by taking his laptop. There's no hurt. There's a punishment. It's a consequence for some other behavior.

Every parent has a right to run the rules in their house. If Mr. Dick doesn't like those rules, if the children don't like those rules, they have to find a way to deal with it in an appropriate way. Beating my client up, manhandling her, not the right way.

She didn't call the police.

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Mr. Dick will have you believe he didn't call 911, but he called the nonemergency line asking for a well-being check which then resulted in his son being arrested.

My client didn't ask for him to be

arrested. The police report has no reference whatsoever of her saying anything to the police. She let them in the door.

This child is being arrested because of his own conduct, which Mr. Dick seems to say he doesn't approve of, but doesn't do anything to prevent either. have this child saying this is the way it's going to be. When you look at everything Mr. Dick writes, he writes things with a lot of emphasis. He writes in caps, and he This is the way it's going to be. demands. I'm going This is what's going to happen. to make a threat, and I'm going to do it. And that's exactly what this child was He was taunting his mother. doing. are you going to show it to your lawyer?" Where does he learn that?

Mr. Dick acknowledges repeatedly talking to these children about what's going on. He thinks it's his God-given right to do it because he's their father without any regard for the damage it is causing on them. He thinks it's his God-given right to call the police to make a complaint of abuse. These posters that he's referencing go beyond -- well beyond what we're dealing with here, which is my client trying to run rules in her house, telling the kids they have a bedtime and that they need to go to bed.

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They need to respect the rules. They need to follow through with what she's demanding of them. You're not hearing anything onerous. You're not hearing unreasonable rules. Mr. Dick isn't bringing any of that up. That's not what's going on here. These kids are doing things to get a reaction out of my client; and you know what, she didn't react. I think Mr. Dick was hoping she'd react because then he would be able to actually use it as

evidence when we came in for his OP saying that his child needed protection from my client who is visibly doing nothing to harm this child on that video. He is doing things to create evidence to try and make a claim for 50/50 time. More of the time? He thinks that's the resolution of all of It's only going to make things this? It's putting the children in the worse. lion's den and letting him have greater access to them to continue to control and manipulate them. Maybe he isn't in the house, but he's texting them "call the police." If they call the police, is that my client's fault or is that at his direction?

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At some point this needs to stop and end, and Mr. Dick needs to stop blaming my client for all of these problems and take some responsibility. There's not one ounce of accountability in anything he files. But instead of addressing that, he asks the children to write their thoughts, write their opinions down on a piece of

1 paper so he can attach it to his response. It's so inappropriate and beyond what's necessary to prove his points. He doesn't even probably realize what he's actually 5 He references parental alienation, 6 but every action he takes smacks of it. He is doing everything to direct these 8 children to do what he wants to the 9 detriment of their relationship with my 10 client, which is why we filed the original 11 motion, which is why we now filed the 12 supplement. Something needs to take place 13 to stop this cycle which continues to 14 happen. 15 THE COURT: Thank you. 16 MR. AUSLANDER: Thank you, Judge. 17 THE COURT: Mr. Schwartz, I'm just 18 going to ask you what the status of the 19 Intact involvement -- when would something 2.0 like that --21 MR. SCHWARTZ: I don't know, Your 2.2. The conversation was early this 23 morning, and I don't know anything more 24 than that. I was advised they will be

1	sending a letter.
2	THE COURT: And can you also tell me
3	are the children currently engaging in any
4	kind of therapy?
5	MR. SCHWARTZ: To my knowledge, they
6	are not.
7	THE COURT: All right. I'm going to
8	take about five minutes, and I will come
9	back with some findings and rulings.
10	Mr. Auslander, I don't see your
11	motion regarding the
12	You can go off the record.
13	(After an interruption, the
14	proceedings resumed as follows:)
15	THE COURT: There's two matters for the
16	Court's ruling. First is a motion to
17	compel compliance with the parenting time
18	order, and second is a supplemental motion
19	to suspend Mr. Dick's parenting time.
20	I'll first note that there are
21	two orders regarding the motion to compel.
22	One is an order dated August 23rd of 2013
23	that indicates that all contact
24	communication by phone between Mr. Dick and

1 the children will be on Connor's (sic) cell phone. There's a subsequent order on 3 January 28th of 2014 that is much more thorough in reference to the specific 4 5 contacts between Mr. Dick and his children 6 by phone. It's the Court's finding that 8 the second order of July 28th, 2014, 9 supersedes the first order and does not 10 continue to require that all contact would 11 be through Connor's cell phone. 12 MR. SCHWARTZ: Conrad, Your Honor. 13 THE COURT: Conrad's cell phone. 14 apologize. Thank you. 15 In fact, the parties did continue to use other sources beyond 16 17 Conrad's cell phone for communication 18 purposes between 2014 and current. Tt.'s 19 unrealistic and unreasonable to think that 2.0 when that order of 2013 was not restated in 21 the July of 2014 order that it would be 2.2. continued to be in full force and effect. 23 I'll also note that the July 24 order regarding phone communications uses

words like reasonable, appropriate, encouraging, facilitating. These are optimistic words that we certainly hope the parties will have the ability to comply In this particular case, the level of conflict is so heightened between these parties and has affected these children so seriously it is optimistic, but not at all reasonable, to expect that this type of behavior can occur between the parties. So there's going to have to be very specific and restricting language regarding communication here forward. can't rely on generalities like reasonable and appropriate. It doesn't work in this sad situation. The Court finds that there is no credible evidence of a violation of the July 28, 2014, order. The motion to compel compliance and the motion to punish Miss Neumann is denied. The Court also has an opportunity in regard to the motion to

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suspend parenting time -- had an

opportunity to review the IMDMA, the testimony of Mr. Dick, the testimony of the guardian ad litem, Mr. Schwartz, the argument of both parties. I've had an opportunity to review the police reports, an opportunity to view a video.

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I'm going to first read from the purposes of the IMDMA which states that "the allocation of parenting time and significant decision-making responsibilities, are among the paramount responsibilities of our justice system, and to that end: recognize that the children's right to a strong and healthy relationship with parents, and parents' right to create and maintain such relationships." Further, that parents -- "the facilitation of parental planning and agreement about children's upbringing and allocation of parenting time and other responsibilities, and the continuing existence of a parent-child relationship to secure the maximum involvement and cooperation of parents regarding the physical, mental,

moral, and emotional well-being of the children during and after litigation."

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And the Court has also taken note of Section 5/602.7 which indicates that both parents are presumed to be fit and that courts shall not place any restrictions on parenting time unless it finds by a preponderance of the evidence that a parent's exercise of parenting time would seriously endanger the child's physical, mental, moral, or emotional health.

I'm bringing that all to the attention of the parties and to place on the record because it is of paramount concern to this Court that highest priority and intention to allow both parents to be involved in parenting and having a relationship with their children is of the highest concern of this Court. However, there are some circumstances where that cannot be accomplished.

The Court finds that during the course of this litigation Mr. Dick has

taken every opportunity to file complaints, to bring very specific, detailed, picayunish matters to the Court for hearing, extensive hearing, has more than once filed a motion for removal of the guardian ad litem. These have all caused delay in having these matters ultimately resolved.

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The Court further finds that
Mr. Dick agreed to a 604.10 evaluation,
that the evaluator was appointed, and that
Mr. Dick has made every effort to stall the
process by objecting to the initial
documents that were required for signature,
by not making and complying with
appointments; and so the evaluation of
the report has been delayed.

Most concerning -- Well, I will state this, for more than a year I have had grave and serious concerns about these children, and my concerns are growing daily. Over the course of the last year, I have seen things only become more serious and more dysfunctional, and I -- my growing

concern for these children has reached a pinnacle.

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Mr. Dick proposes to the Court that there is extreme dysfunction by
Miss Neumann, that his rights are being violated, that 100 percent of the problems are a result of Miss Neumann's activities.
The Court finds that that is not true, that Mr. Dick shares a role in much of the dysfunction here and also in the resulting problems and that he is defiant about ever taking any responsibility for any aspect of this family's problems; and that is very concerning to this Court.

The Court further finds that
Mr. Dick has instigated and inflamed
domestic situations by contacting police,
even on a nonemergency basis, or directing
his children to contact the police, that he
has taken every opportunity to undermine
Mrs. Neumann's authority with the children
in terms of her normal parenting by
encouraging them to be defiant to her.

And I can tell you that I --

after watching that video and then hearing your testimony, Mr. Dick, about how you really were very supportive and encouraging of your son's -- except for the language he used, which was, quite frankly, the least disturbing portion of that whole incident, as much as I hate to hear a young person using that kind of language, what was extremely concerning to me was -- well, actually, all of the children's reaction to their mother when it was clear that she was trying to effect a form of discipline by disallowing use and access to a computer for a period of a couple of days.

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Mr. Dick asks this Court to take notice of the rage that is taking place in Mrs. Neumann's home. There are some very, very concerning things: Conrad's activities, his physical contact with his mother. I did, in fact, witness him grabbing her at the throat, grabbing her at the waist, grabbing her at the arm, putting her on the ground. His rage is evident and concerning.

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1	I have also witnessed in this
2	courtroom Mr. Dick's rage.
3	MR. DICK: I object, Your Honor.
4	THE COURT: Well, you really don't have
5	a
6	MR. DICK: You've never witnessed any
7	rage.
8	THE COURT: Okay. This is my time to
9	talk, Mr. Dick.
10	Very fast temper, quick to
11	anger, quick to criticism, and, as I stated
12	earlier, has never one time acknowledged
13	any responsibility for any of this family's
14	issues, has placed blame 100 percent of the
15	time at the feet of Mrs. Neumann.
16	I am not saying that
17	Mrs. Neumann is not in some way responsible
18	for some of the things that have gone on
19	here, but this Court finds that she is not
20	100 percent responsible.
21	And, Mr. Dick, this Court finds
22	that you are, in fact, at least in part
23	substantially responsible.
24	At this time I am going to make

1	a finding that I am concerned about the
2	continued parenting time as it is the
3	current schedule of parenting time and the
4	current communication by phone. And I am
5	loathed to terminate parenting time, but
6	I'm going to find that at this time until
7	we can get the report from Dr. Rappaport
8	and have a more complete hearing that on a
9	temporary basis parenting time will be
10	suspended and phone communication will be
11	suspended except for the maximum amount of
12	parenting time available supervised at the
13	Family Visitation Center in Mundelein. The
14	parties will promptly contact the Family
15	Visitation Center.
16	I'm going to ask you,
17	Mr. Schwartz, has there ever been any
18	contact with FVC before? Have they
19	MR. SCHWARTZ: Yes, Your Honor.
20	THE COURT: So they've already been
21	through orientation?
22	MR. SCHWARTZ: They have.
23	THE COURT: So that wouldn't be
24	necessary.

1	MR. SCHWARTZ: There was parenting time
2	there at one point in time.
3	THE COURT: Okay. So I'm hoping that
4	this is going to be on a
5	MR. SCHWARTZ: I'm sorry.
6	THE COURT: Exchanges.
7	MR. SCHWARTZ: Correction. Exchanges,
8	not parenting time.
9	THE COURT: Do you know if they would
10	require an additional orientation for
11	MR. SCHWARTZ: I do not know that
12	answer.
13	THE COURT: All right. So we'll do the
14	order, and you will contact them
15	immediately and facilitate the You have
16	to contact them within seven days. Failure
17	to contact them within seven days will void
18	this order. It will be the maximum
19	parenting time that's allowed supervised,
20	and then I'm going to continue it for
21	status.
22	I'm hoping that everyone is
23	going to cooperate fully with Dr. Rappaport
24	so that we can bring this matter we can

get his report and then we can have a full hearing on all of these issues as soon as possible.

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I'm also going to ask you,
Mr. Schwartz, to continue to be in contact
with DCFS and to facilitate to whatever
extent possible the Intact resources that
they make -- are going to make available to
this family.

This is a family in crisis. I knew it a year ago. It's become increasingly evident over the course of time, watching that video today, and then hearing your view of that video, Mr. Dick.

MR. DICK: I never supported it, Your Honor.

THE COURT: Okay. Well, based on the totality of your evidence, Mr. Dick, I am very concerned about the manner in which you -- I'm making a finding that you are currently instigating and inflaming this domestic situation, and your children are at great risk. I have to do everything that I can to protect them until I can have

1 a full hearing. So everyone's cooperation with Dr. Rappaport is going to be critical so that we can get that report done and we can 4 5 bring this matter to a full hearing and 6 move this family forward as soon as possible, but we're not going to delay 8 anymore. 9 So do we have any idea where 10 Dr. Rappaport is? I know you indicated 11 that he still needs to meet with Mr. Dick. MR. SCHWARTZ: He's only met jointly 12 13 with Mr. Dick and Ms. Neumann. He's never 14 met individually with Mr. Dick. So I'm 15 assuming that Mr. Dick needs to call there 16 immediately and he schedules an 17 appointment. 18 THE COURT: Okay. Time is of the 19 essence, Mr. Dick, and the ball is in your 2.0 court. 21 I'd like to continue it for 2.2 I'm looking at first week in status. 23 April. 24 MR. SCHWARTZ: Whatever the Court

1	pleases.
2	THE COURT: 3, 4, 5, or 7.
3	MR. AUSLANDER: I can do any but the
4	5th.
5	MR. SCHWARTZ: So let's Is the 3rd
6	available?
7	THE COURT: Yes. April 3rd, nine
8	o'clock a.m.
9	Again, Mr. Dick, I'm going to
10	MR. DICK: Any chance we can do
11	afternoons, Your Honor?
12	THE COURT: No. I'm not going to
13	have all we're going to do is have a
14	status on the 604.10(b) report and a status
15	on supervised parenting time. That's all
16	we're going to do, and then I'm hoping that
17	we're going to be in a position where we're
18	going to be able to set a trial date.
19	MR. SCHWARTZ: Your Honor, I also filed
20	today a 506 petition. So I'll just
21	continue it for status till the next date?
22	THE COURT: Okay. Yes, of course.
23	Thank you. Okay. I'm
24	MR. SCHWARTZ: Do you want this order

1	now, or do you want me to bring it back in
2	the morning?
3	THE COURT: If you could bring it back
4	in tomorrow morning, that would be great,
5	and then get copies to everybody.
6	MR. SCHWARTZ: I will be here tomorrow
7	morning.
8	THE COURT: And then the other order, I
9	don't know who is going to prepare that.
10	MR. AUSLANDER: I started. I'll put in
11	some substance; and I think what I'll do,
12	like we did the one other time where we had
13	a lengthy ruling, is we'll just supplement
14	it with the court record.
15	THE COURT: That's fine. So can you
16	bring that in in the next I don't know
17	when you're back here in the courthouse.
18	Or if you want to prepare it and send it to
19	Mr. Schwartz?
20	MR. SCHWARTZ: He can prepare it. I'll
21	be here. I'm here almost every day this
22	week.
23	MR. AUSLANDER: Okay.
24	THE COURT: Do you want to say

1	Wednesday? Would that be good for
2	MR. SCHWARTZ: I'll have this for you
3	tomorrow. I'll do it tonight, and you'll
4	have it tomorrow.
5	THE COURT: That's great because I want
6	to get that going immediately, and I also
7	want to make sure
8	I'll tell you, Mr. Dick, you
9	need to be in touch with Dr. Rappaport.
10	MR. DICK: He knows that, Your Honor.
11	He and I have been in contact.
12	THE COURT: Great.
13	MS. NEUMANN: Thank you.
14	MR. SCHWARTZ: Thank you, Judge.
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16	(Whereupon, the proceedings concluded
17	at 5:15 p.m.)
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1	STATE OF ILLINOIS )
2	) SS:
3	COUNTY OF L A K E )
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8	I, Jaime S. Friel, CSR,
9	RPR, Certified Shorthand Reporter,
10	Registered Professional Reporter, do hereby
11	certify that the testimony given in the
12	proceedings before THE HONORABLE JUDGE
13	ELIZABETH ROCHFORD on February 27, 2017,
14	was recorded stenographically by me and
15	transcribed by me.
16	I FURTHER CERTIFY that the foregoing
17	transcript of said proceedings is a true,
18	correct, and complete transcript of the
19	testimony given by the said witnesses at
20	the time and place specified.
21	I FURTHER CERTIFY that I am not
22	a relative or employee or attorney or
23	employee of such attorney or counsel, or
24	financially interested directly or

1	indirectly in this action.
2	IN WITNESS WHEREOF, I have set
3	my hand.
4	
5	
6	
7	
8	Jaime Friel Certified Shorthand Reporter
9	Registered Professional Reporter Certificate No. 84-004425
10	CCICILICACE NO. 04 004420
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